

Barbara Cohan-Saavedra
February 14, 2024

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION
* * *

NICHOLAS JAMES MCGUFFIN, as and :
individual and as guardian :
ad litem, on behalf of S.M., a :
minor, :
Plaintiffs, : NO. 6:20-cv-01163-MK
- vs - : (Lead Case)
MARK DANNELS, PAT DOWNING, SUSAN :
HORMANN, MARY KRINGS, KRIS :
KARCHER, SHELLY MCINNES, RAYMOND :
MCNEELY, KIP OSWALD, MICHAEL :
REAVES, JOHN RIDDLE, SEAN :
SANBORN, ERIC SCHWENNINGER, :
RICHARD WALTER, CHRIS WEBLEY, :
ANTHONY WETMORE, KATHY WILCOX, :
CRAIG ZANNI, DAVID ZAVALA, JOEL :
D. SHAPIRO AS ADMINISTRATOR OF :
THE ESTATE OF DAVE E. HALL, :
VIDOCQ SOCIETY, CITY OF COQUILLE, :
CITY OF COOS BAY, COOS COUNTY, :
and OREGON STATE POLICE, :
Defendants. :

* * *

Oral deposition of BARBARA

COHAN-SAAVEDRA, taken at the law offices of STEVENS &
LEE, 1500 Market Street, 18th Floor, Philadelphia,
Pennsylvania, 19102, on Wednesday, February 14, 2024,
beginning at approximately 12:08 p.m. EST, before Lisa
M. Cooper, Court Reporter.

* * *

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<p style="text-align: right;">Page 6</p> <p>1 given at birth?</p> <p>2 A. My name is Barbara, middle initial J., last</p> <p>3 name Cohan, C-O-H-A-N.</p> <p>4 Q. Okay. Is that your maiden name?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And then at some point were you known</p> <p>7 as Barbara Cohan Duffy?</p> <p>8 A. For a period of time, yes.</p> <p>9 Q. Okay. And then you also go by Barbara Cohan</p> <p>10 Saavedra?</p> <p>11 A. That is correct.</p> <p>12 Q. Are you currently employed?</p> <p>13 A. I am.</p> <p>14 Q. Where are you employed?</p> <p>15 A. At Phoenix Lithographing Corporation.</p> <p>16 Q. And what's job title there?</p> <p>17 A. General counsel.</p> <p>18 Q. Okay. And you're also associated with the</p> <p>19 Vidocq Society, is that correct?</p> <p>20 A. I am.</p> <p>21 Q. And how long have you been associated with</p> <p>22 the Vidocq Society?</p> <p>23 A. I've been a member since 1994.</p> <p>24 Q. Did you say 1994?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 8</p> <p>1 that like --</p> <p>2 A. That's multiple terms. I've stood</p> <p>3 for reelection each time and was reelected.</p> <p>4 Q. Okay. So it's consecutive terms?</p> <p>5 A. Consecutive terms.</p> <p>6 Q. Okay. Do you have a Curriculum Vitae that</p> <p>7 reflects your time with the Vidocq Society and your</p> <p>8 areas of expertise?</p> <p>9 A. I'm not sure whether I have it on my CV.</p> <p>10 I've been in my present job for a very long time, so I</p> <p>11 haven't updated it.</p> <p>12 Q. And did I ask you this already, with your</p> <p>13 present job you're general counsel?</p> <p>14 A. Correct.</p> <p>15 Q. Okay.</p> <p>16 MR. LAUERSDORF: We will mark this</p> <p>17 Exhibit-1.</p> <p>18 * * *</p> <p>19 (Whereupon, the above-mentioned document</p> <p>20 was marked for identification as Cohan-1.)</p> <p>21 * * *</p> <p>22 BY MR. LAUERSDORF:</p> <p>23 Q. Okay. So the court reporter's handed you</p> <p>24 what's been marked as Exhibit-1. Can you take a look</p> <p>25 at that document and tell me if you've ever seen that</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Okay. Do you recall what month in 1994?</p> <p>2 A. I applied for membership in April of 1994 and</p> <p>3 was admitted either that month or the following month.</p> <p>4 Q. What -- what inspired you to apply for</p> <p>5 membership to the Vidocq Society?</p> <p>6 A. I had started going to meetings the year</p> <p>7 prior to that, in 1993. And I was very impressed by</p> <p>8 the organization and excited to be a part of it.</p> <p>9 Q. Okay. Is that while you were still employed</p> <p>10 as an AUSA?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And that -- what District were you in</p> <p>13 when you --</p> <p>14 A. Eastern District of Pennsylvania.</p> <p>15 Q. Okay. What positions have you held with the</p> <p>16 Vidocq Society?</p> <p>17 A. I've been on the Board, I don't know the</p> <p>18 exact date, but it's approximately 20 years. I served,</p> <p>19 for a time, as membership chair. And I am presently</p> <p>20 the public information officer.</p> <p>21 Q. Do you remember what year you joined the</p> <p>22 Board?</p> <p>23 A. I really don't. I'm guessing that it's about</p> <p>24 20 years.</p> <p>25 Q. Okay. And is that multiple terms? Or is</p>	<p style="text-align: right;">Page 9</p> <p>1 document before?</p> <p>2 A. Yes. I have.</p> <p>3 Q. And that's the Plaintiff's Federal Rule of</p> <p>4 Civil Procedure 30(b)(6) and 34 Deposition Notice to</p> <p>5 Defendant Vidocq Society, is that correct?</p> <p>6 A. That is correct.</p> <p>7 Q. And have you had a chance to look through</p> <p>8 that document carefully at some point in the past?</p> <p>9 A. At several points, yes.</p> <p>10 Q. Okay. And you're appearing for deposition</p> <p>11 today as the designee of the defendant Vidocq Society,</p> <p>12 is that correct?</p> <p>13 A. That is correct.</p> <p>14 Q. And so they have designated you, or Vidocq</p> <p>15 Society has designated you as its representative to</p> <p>16 testify regarding the topics set forth in Exhibit-1, is</p> <p>17 that correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And you understand as the Vidocq Society</p> <p>20 designee you are testifying on behalf of the Vidocq</p> <p>21 Society?</p> <p>22 A. Yes.</p> <p>23 Q. You understand that you are expected to</p> <p>24 testify regarding all of the knowledge and information</p> <p>25 that the Vidocq Society possesses on the topics listed</p>

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<p style="text-align: center;">Barbara Cohan-Saavedra February 14, 2024</p> <p>1 years, so defendants very often met with everybody 2 who had anything to do with their cases. 3 BY MR. LAUERSDORF: 4 Q. So let me interrupt you there. Have you been 5 sued in your personal capacity at any time after -- 6 let's say in the last five years? 7 A. Not in the last five years, no. 8 Q. Okay. Has the Vidocq Society been sued by 9 anyone? 10 A. To my knowledge, the Vidocq Society has never 11 been sued. 12 Q. Okay. Has the Vidocq Society ever sued 13 anyone? 14 A. To my knowledge, we have not. 15 Q. Have you ever, in your personal capacity, 16 sued anyone in the last five years? 17 A. No. 18 Q. Okay. If I understand correctly, Vidocq -- 19 it says the Vidocq Society was formed in 1990, is that 20 correct? 21 A. That is correct. 22 Q. What was the first official act of the Vidocq 23 Society? 24 A. Please explain what you mean by official act. 25 Q. What was the -- I guess how -- how did the</p>	<p style="text-align: right;">Page 28</p> <p>1 Vidocq Society? 2 A. It was sometime in 1990. I don't have a 3 date. And there were no notes taken, or minutes, or 4 anything of that nature, so it -- this all comes from 5 an oral history, as it were. 6 Q. Okay. Did you -- in reviewing and preparing 7 for the deposition, did you review a document that's 8 referred to as the Synopsis? The Vidocq Society 9 Synopsis. 10 A. We have worked with lots of synopses. I'm 11 not sure which one you're referring to. 12 Q. Okay. It's -- 13 MR. LAUERSDORF: For you folks on Zoom 14 call, we're going to mark Exhibit-13. 15 * * * 16 (Whereupon, the above-mentioned document 17 was marked for identification as Cohan-13.) 18 * * * 19 MR. SCISCIANI: So the Notice is 20 Exhibit-1 and this is Exhibit-13. 21 MR. LAUERSDORF: That's correct. 22 BY MR. LAUERSDORF: 23 Q. I'm marking it out of order so that she has 24 a chance to see what I'm referring to when I refer to 25 the synopsis.</p>
<p style="text-align: right;">Page 27</p> <p>1 agreement to form the Vidocq Society come to fruition? 2 A. As I understand it, Richard Walter, Bill 3 Fleischer and Frank Bender, who were three friends, had 4 met for lunch. And they began discussing the breadth 5 of their -- each of their experience in their 6 respective fields. And the topic came up, we have so 7 much expertise, even just among the three us, and we 8 know so many people who have expertise in various 9 aspects, wouldn't it be cool to pool that and try to 10 help the smaller police departments who don't have that 11 kind of resource. And it was from that that the 12 Society emerged. 13 Q. Okay. 14 A. That's how it started. 15 Q. And so once they all agreed that that would 16 be cool, what -- what did they do next? 17 A. They began to schedule luncheons to discuss 18 it. And they would each invite people they knew, in 19 the field of law enforcement, and in the field of 20 forensics, to just get together and brainstorm how they 21 could pool their expertise and their resources to guide 22 police departments. 23 Q. Okay. 24 A. Who needed that kind of guidance. 25 Q. Okay. So when was the first official meeting</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yep. I did review this. 2 Q. Okay. And so the meeting that's listed there 3 first on that document, the North Carolina Bathtub 4 murders. It says that that case was presented 5 September 27th, 1990. Would the first official meeting 6 of the Vidocq Society have occurred before September 7 1990? 8 A. It would. Because by this document there was 9 another case presented June 4th, 1990. It's the second 10 one listed. 11 Q. Okay. Do you know if -- oh, because they're 12 not -- 13 A. They're not in strict chronological order. 14 Q. Okay. So how about June 14th, 1990, do you 15 know if that was the first -- would have been the first 16 official meeting of the Vidocq Society? 17 A. This document is the only reference I saw to 18 anything that was presented in 1990. So based upon 19 that, I would assume that, yes, this is the first. 20 There's nothing to indicate otherwise. 21 Q. Okay. And if there was an earlier meeting, 22 that would be something that you would have to obtain 23 from an oral history or consulting with somebody today? 24 A. I would say so, yes. 25 Q. Okay. How many members were present at the</p>

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1 first official meeting?	2 A. It might. Do you want me to look?	
2 A. There was no indication on this document how	3 Q. Yeah. If you don't mind.	
3 many were present.	4 A. What was the date of the incorporation?	
4 Q. Okay. Do you know how many members the	5 Q. It was June of 1991. I don't recall the	
5 Vidocq Society had when -- at the time of its first	6 specific date.	
6 meeting? Whether they attended or not.	7 A. Is there a specific date?	
7 A. I don't know how many were at the first	8 Q. There is. I can do a little bit of digging	
8 meeting. I do know that beginning with the first	9 to find it.	
9 meeting it grew at each successive meeting, as	10 A. Well, I note that on Exhibit-13 there is a	
10 additional people joined. But I have no idea how many	11 case presented on June 20 of 1991.	
11 people were at the first meeting.	12 Q. Okay.	
12 Q. Okay. What are the names of the folks that	13 A. Which, if the incorporation was prior to	
13 Mr. Walter and Mr. Bender and Mr. Fleischer, what are	14 that, during that month, that would have been the --	
14 -- who are the folks that they -- the first folks that	15 either the first meeting following incorporation, or	
15 they invited?	16 the last meeting before it was incorporated.	
16 A. There were a number of people that the people	17 Q. Okay. Are there -- since 1990 or early 1991,	
17 I spoke to identified as charter members. And they --	18 are there any meetings of the general membership that	
18 they -- they characterized charter members as those who	19 are not reflected in this synopsis? In Exhibit-13.	
19 have been with the Society from the beginning. There	20 A. I didn't -- when I reviewed this document, I	
20 does not appear, on any of our membership documents,	21 didn't compare it with the calendar to make sure that	
21 anything that identifies certain people as charter	22 every meeting is covered in this.	
22 members. That would be from oral history.	23 Q. Okay.	
23 Q. Who are the people that, at this point in	24 A. That was not the -- as I understand it, not	
24 time, the Vidocq Society recognizes as charter members?	25 the intent of this document. So I could figure out, at	
25 A. I'm not a hundred percent certain here. This		
<p>Page 31</p>		Page 33
1 is based on my memory of my conversations with Bill	1 least for the later ones, if this corresponds to each	
2 Fleischer.	2 of our meetings. But I didn't do that inquiry, so I	
3 Q. Okay.	3 really can't answer your question.	
4 A. Who is the source of this information. I	4 Q. Okay. But there is a calendar that you were	
5 believe that Gary Debuwitz, D-E-B-U-V-I-T-Z, was a	5 able to refer to?	
6 charter member. Joseph O'Kane, O, apostrophe, K-A-N-E,	6 A. No. When we meet at the Union League, I	
7 was a charter member. I can't think of any others, off	7 would be able to check our records vis-a-vis the Union	
8 the top of my head.	8 League, because we pay them for that space.	
9 Q. But Richard Walter and Frank Bender would	9 Q. Okay.	
10 have certainly have been?	10 A. When we used to meet at the Downtown Club,	
11 A. Clearly. They were the founders.	11 that would be reflected, because we paid to use the	
12 Q. Okay. Do you know if Mr. Gaughan was a	12 room for each of those meetings. So it would be	
13 charter member?	13 possible to construct a calendar, but no such calendar	
14 A. I don't.	14 exists independently.	
15 Q. How about Mr. Lobovsky?	15 Q. Okay. And that -- to construct that -- that	
16 A. I -- I am certain that Mr. Lobovsky was not.	16 calendar would have to be constructed from accounting	
17 Q. Okay.	17 records or?	
18 A. Mr. Gaughan may have been, but I'm not	18 A. Yes.	
19 certain.	19 Q. Okay. And do those records still exist?	
20 Q. Okay. And then, if I understand correctly,	20 A. I have no idea. I think they -- they might.	
21 the Vidocq Society was incorporated as a domestic	21 Q. Okay.	
22 nonprofit corporation in June of 1991, is that correct?	22 A. If I can expand a little bit.	
23 A. That is correct.	23 Q. Please.	
24 Q. And so would the first official meeting of	24 A. When I was membership chair, one of the	
25 the Vidocq Society as a nonprofit corporation be	25 things I did was schedule the meetings and set them up,	

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<p style="text-align: right;">Page 38</p> <p>1 A. Um-hum.</p> <p>2 Q. Okay. And then does the -- does the Board</p> <p>3 set any expectations for the officers, or the</p> <p>4 directors, about what they will keep and what they can</p> <p>5 throw away?</p> <p>6 A. Are you talking --</p> <p>7 MR. SCISCIANI: Object to form. Go</p> <p>8 ahead.</p> <p>9 THE WITNESS: I have a question about</p> <p>10 your question.</p> <p>11 BY MR. LAUERSDORF:</p> <p>12 Q. Please. Yeah.</p> <p>13 A. Are you talking about today? Or are you</p> <p>14 talking about some point in the past?</p> <p>15 Q. Today.</p> <p>16 MR. SCISCIANI: Same objection. Go</p> <p>17 head.</p> <p>18 THE WITNESS: Today, the Society is in</p> <p>19 the process of becoming increasingly</p> <p>20 structured. And as part of that structure,</p> <p>21 we are in the very early stages of</p> <p>22 establishing a position within the Society of</p> <p>23 archivist, so that we can centralize our</p> <p>24 documents and have a document retention</p> <p>25 policy.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Okay.</p> <p>2 A. The police department, they have detectives</p> <p>3 who do nothing but homicides. Your average cop on the</p> <p>4 street, because of the number of homicides we have,</p> <p>5 knows what to do. They know not to mess up a scene.</p> <p>6 They know to call in the homicide detectives, who know</p> <p>7 what witnesses to look at, what evidence to gather.</p> <p>8 But in a small town, where there are typically no</p> <p>9 homicides, or very few, even their most experienced</p> <p>10 detectives lack the breadth of knowledge that comes</p> <p>11 from experience of how best to keep a case from going</p> <p>12 cold.</p> <p>13 So when they come to us, it's the equivalent</p> <p>14 of opening a reference book. We say to them, "Have you</p> <p>15 looked at this? Have you looked at that? Have you</p> <p>16 thought about this?", with the view towards guiding</p> <p>17 them to their obtaining things of potential evidentiary</p> <p>18 value in their own investigations. But the -- the</p> <p>19 investigation remains theirs, which is why we don't</p> <p>20 write reports. We don't keep statistics. We don't</p> <p>21 keep files. Because it's not our case.</p> <p>22 We exist just to be say, "Hey, have you</p> <p>23 thought about trying this?" And sometimes it works.</p> <p>24 And sometimes it doesn't. Typically, we don't even</p> <p>25 follow up in the months after a presentation if we're</p>
<p style="text-align: right;">Page 39</p> <p>1 BY MR. LAUERSDORF:</p> <p>2 Q. Okay. Why -- why hasn't something like that</p> <p>3 been done prior to this point?</p> <p>4 A. Because -- you have to understand the way the</p> <p>5 Society works. If -- if we were investigating cases,</p> <p>6 then we would keep records of those cases. But we</p> <p>7 don't. We are -- we're a resource. I describe it to</p> <p>8 some people as like the Encyclopedia Britannica. If</p> <p>9 you don't have knowledge about a particular technique,</p> <p>10 issue, whatever, you go to a reference book, you find</p> <p>11 out how to do it and then you go do what you have to</p> <p>12 do.</p> <p>13 The Society, although it started as a largely</p> <p>14 association or organization with a noble purpose, over</p> <p>15 the years has become more structured. And in that</p> <p>16 structure our core values, our core mission, has not</p> <p>17 changed at all. The mission is, we have a group of</p> <p>18 people who have very deep and broad knowledge on a</p> <p>19 variety of subjects. If a homicide happens in</p> <p>20 Philadelphia, which had 500-and-some homicides last</p> <p>21 year, we have a homicide department that knows exactly</p> <p>22 what to do. We have --</p> <p>23 Q. The Society does?</p> <p>24 A. No. I'm talking about the police department</p> <p>25 right now.</p>	<p style="text-align: right;">Page 41</p> <p>1 -- if they're not asking us questions, to even find out</p> <p>2 what happened with the case. So we don't have</p> <p>3 statistics on how many cases our advice yielded a -- an</p> <p>4 arrest or a conviction or whatever. That's not our</p> <p>5 role.</p> <p>6 Q. Okay.</p> <p>7 A. Does that answer your question?</p> <p>8 Q. Well --</p> <p>9 A. I didn't mean for it to be that long, but you</p> <p>10 need to understand that.</p> <p>11 Q. That answers my question. And my followup</p> <p>12 is, is that explanation for the Society in its current</p> <p>13 iteration? Or has that --</p> <p>14 A. That core --</p> <p>15 Q. -- has the Society's perspective always been</p> <p>16 the case?</p> <p>17 A. I'm sorry. I interrupted you.</p> <p>18 Q. That's okay.</p> <p>19 A. Will you repeat that?</p> <p>20 Q. Yeah. Is that explanation -- is that an</p> <p>21 explanation, about the Vidocq Society, in its current</p> <p>22 iteration, or has that -- the Vidocq Society's</p> <p>23 perspective always been the case?</p> <p>24 A. That core mission has never changed.</p> <p>25 Q. Okay.</p>

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<p style="text-align: right;">Page 42</p> <p>1 A. Whether the Society, in its inception, was</p> <p>2 largely social, or now, when it's more structured. But</p> <p>3 that core mission has never ever changed. Throughout</p> <p>4 my 30 years almost.</p> <p>5 Q. Okay.</p> <p>6 A. With the Vidocq Society.</p> <p>7 Q. And so during that time has the Vidocq</p> <p>8 Society written policies, or protocols, about its</p> <p>9 members being -- actually doing investigation? Or</p> <p>10 being actively involved in an investigation.</p> <p>11 MR. SCISCIANI: Objection to form.</p> <p>12 THE WITNESS: I'm not sure I understand</p> <p>13 what you mean by that.</p> <p>14 BY MR. LAUERSDORF:</p> <p>15 Q. Is there any kind of written policy, or</p> <p>16 procedure, that expressly prohibits Vidocq Society</p> <p>17 members from engaging in investigation, investigative</p> <p>18 tasks, on the cases that are brought to Vidocq by law</p> <p>19 enforcement?</p> <p>20 MR. SCISCIANI: Object to form. Answer</p> <p>21 it again.</p> <p>22 MR. DEFREEST: Join the objection.</p> <p>23 THE WITNESS: And I would tell you that</p> <p>24 I really can't answer that, because the term</p> <p>25 investigative tasks is so broad that I couldn't -- we</p>	<p style="text-align: right;">Page 44</p> <p>1 fields.</p> <p>2 Q. Okay.</p> <p>3 A. We're not dealing with novices who are just</p> <p>4 coming into this.</p> <p>5 Q. Okay. So let me ask you now. That</p> <p>6 understanding among the membership, that things like</p> <p>7 interviewing witnesses is generally not the rule of the</p> <p>8 Society or its members, is that understanding written</p> <p>9 down somewhere? Or is that just a word of mouth --</p> <p>10 A. No. I would say that that is understood.</p> <p>11 Q. Okay. Is that --</p> <p>12 A. Today.</p> <p>13 Q. Okay. Is that something that has been</p> <p>14 routinely communicated to the membership over the life</p> <p>15 of the Vidocq Society?</p> <p>16 A. I wouldn't say it was communicated. I would</p> <p>17 say it was understood.</p> <p>18 Q. Okay. Has there ever been a time when the</p> <p>19 Board, or other members of the Vidocq Society, had to</p> <p>20 have a discussion with a member about crossing the --</p> <p>21 the understood line?</p> <p>22 A. I would say, based upon my knowledge from</p> <p>23 talking to people and reviewing documents, to the</p> <p>24 extent that that may have happened at all, it would</p> <p>25 have been in the very early days of the Society.</p>
<p style="text-align: right;">Page 43</p> <p>1 -- you couldn't begin to address it. Because of the</p> <p>2 various disciplines we have, an investigative task with</p> <p>3 respect to one. A medical examiner might be very</p> <p>4 different from an investigative task from someone who</p> <p>5 is a statement analyst, or a fingerprint examiner, or a</p> <p>6 polygraph person.</p> <p>7 Q. Okay. What about something just as simple as</p> <p>8 interviewing witnesses?</p> <p>9 MR. SCISCIANI: Object to form. You can</p> <p>10 answer, if you can.</p> <p>11 THE WITNESS: To my knowledge, we do not</p> <p>12 interview witnesses. If that happened in the</p> <p>13 past, I'm not saying it couldn't have</p> <p>14 happened, but it -- it would be outside the</p> <p>15 norm if it did.</p> <p>16 BY MR. LAUERSDORF:</p> <p>17 Q. Okay.</p> <p>18 A. Because we're not the investigators.</p> <p>19 Q. Okay. And so that would be -- it would be</p> <p>20 outside of the norm, because there was some kind of</p> <p>21 understanding among the members that that wasn't the</p> <p>22 role of the Society or its members, is that right?</p> <p>23 A. Yeah. And the Society doesn't micromanage</p> <p>24 its members, because its members are experienced,</p> <p>25 highly regarded professionals in their respective</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Okay. From which year to which year?</p> <p>2 A. Probably prior to 2000. By I couldn't be</p> <p>3 sure.</p> <p>4 Q. Okay. So maybe the first decade?</p> <p>5 A. Possibly.</p> <p>6 Q. Okay. So when the Vidocq Society was first</p> <p>7 incorporated as a nonprofit in 1991, what was the</p> <p>8 leadership structure of the organization at that time?</p> <p>9 A. I don't know that there was a formal</p> <p>10 leadership structure, but I believe that Bill Fleischer</p> <p>11 was, at all times in the early days, the commissioner</p> <p>12 of the Society. I do not know if there were any other</p> <p>13 defined roles at that time.</p> <p>14 Q. Were there any other officers at that time?</p> <p>15 A. I don't know.</p> <p>16 Q. Was there a Board of Directors?</p> <p>17 A. I don't know. I would surmise that once it</p> <p>18 was incorporated they would have formed a Board of</p> <p>19 Directors shortly thereafter, but I couldn't tell you</p> <p>20 when.</p> <p>21 Q. Okay. So you don't know when the Board was</p> <p>22 established?</p> <p>23 A. I do not.</p> <p>24 Q. Or who the original directors were?</p> <p>25 A. I do not.</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q. Or who the original officers were?</p> <p>2 A. No. Except that Bill Fleischer was the</p> <p>3 commissioner.</p> <p>4 Q. Okay. How many members were there in June of</p> <p>5 1991?</p> <p>6 A. I don't know.</p> <p>7 MR. LAUERSDORF: Mark that as Exhibit-2.</p> <p>8 * * *</p> <p>9 (Whereupon, the above-mentioned document</p> <p>10 was marked for identification as Cohan-2.)</p> <p>11 * * *</p> <p>12 MR. SCISCIANI: Before we do that, could</p> <p>13 we take just a quick break?</p> <p>14 MR. LAUERSDORF: Sure.</p> <p>15 * * *</p> <p>16 (Whereupon, a short break was taken at</p> <p>17 1:14 p.m.)</p> <p>18 * * *</p> <p>19 MS. SAWYER: Andy. There are two people</p> <p>20 on the Zoom call that haven't been identified</p> <p>21 for the record. Could those folks be</p> <p>22 identified for the record?</p> <p>23 MS. CARR: Hello. This is Megan Carr on</p> <p>24 behalf of OSP.</p> <p>25 MS. SAWYER: And my client, Nick</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay.</p> <p>2 A. And the absence of a date. I -- I have no</p> <p>3 idea when this particular iteration would have been</p> <p>4 used.</p> <p>5 Q. Okay. And based on something you said</p> <p>6 earlier, I'm also guessing that this is likely not the</p> <p>7 original constitution and bylaws of the Vidocq Society.</p> <p>8 Is that fair or not?</p> <p>9 A. It's likely, but I can't be certain.</p> <p>10 Q. Okay. Do you have -- do you recognize this</p> <p>11 as the current iteration of the constitution and bylaws</p> <p>12 of the Vidocq?</p> <p>13 A. It definitely is not.</p> <p>14 Q. Okay. Where would that document be located?</p> <p>15 A. I have a copy of that in my computer.</p> <p>16 Q. Okay.</p> <p>17 A. I wrote it. Or I wrote portions of it.</p> <p>18 Q. Okay. Do you know when the first version of</p> <p>19 the Constitution and Bylaws of the Vidocq Society was</p> <p>20 adopted?</p> <p>21 A. I do not.</p> <p>22 Q. Okay. Do you know who drafted the first</p> <p>23 version of the Constitution and Bylaws of the Vidocq</p> <p>24 Society?</p> <p>25 A. I would be guessing.</p>
<p style="text-align: right;">Page 47</p> <p>1 McGuffin, is also on the line.</p> <p>2 BY MR. LAUERSDORF:</p> <p>3 Q. I'm going to speak up a little bit. I trust</p> <p>4 that you'll understand that I'm not hollering at you.</p> <p>5 A. If you did, it's no big deal.</p> <p>6 Q. All right. So before we took the break I had</p> <p>7 the court reporter hand you what's been marked as</p> <p>8 Exhibit-2. Can you take a look at that document, look</p> <p>9 it over and tell me if you recognize that document at</p> <p>10 all.</p> <p>11 A. Okay. I sort of recognize it.</p> <p>12 Q. Okay.</p> <p>13 A. This appears to be one of the iterations of</p> <p>14 the Society's constitution and bylaws. It does not</p> <p>15 bear a date. And there's at least one thing in here</p> <p>16 that suggests to me that this may have been a draft and</p> <p>17 not a final copy.</p> <p>18 Q. Okay. What is it on the document that</p> <p>19 suggests to you that that may have been a draft?</p> <p>20 A. On page 7, at the end of paragraph B, as in</p> <p>21 Boy.</p> <p>22 Q. Oh, the question marks?</p> <p>23 A. The question marks.</p> <p>24 Q. Okay.</p> <p>25 A. Suggest to me that this is not a final copy.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. What's your best guess?</p> <p>2 A. My best guess would be Bill Fleischer, who</p> <p>3 was our commissioner. And at the time there was an</p> <p>4 attorney named Ken Freeman.</p> <p>5 Q. Okay.</p> <p>6 A. Who is now deceased. Who was a member of the</p> <p>7 Society. And he provided guidance. So I'm sure that</p> <p>8 others would have participated in that process. But I</p> <p>9 think its most likely that those two would have been</p> <p>10 involved.</p> <p>11 Q. Okay. Would Mr. Freeman have been a charter</p> <p>12 member?</p> <p>13 A. I believe he probably was. But I cannot be</p> <p>14 certain.</p> <p>15 Q. Okay.</p> <p>16 A. As I told you, there is no formal record of</p> <p>17 who was and was not charter members.</p> <p>18 Q. Okay. When did the Vidocq Society start</p> <p>19 maintaining a membership role?</p> <p>20 A. Joe O'Kane, who I mentioned earlier, was a --</p> <p>21 the membership chair for a very long time. His -- he</p> <p>22 did not -- I don't know whether it was he didn't know</p> <p>23 how to use a computer, or just didn't like it, but</p> <p>24 everything he kept was by hand. And it was terribly</p> <p>25 disorganized. At some point, around, I want to say it</p>

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<p style="text-align: right;">Page 54</p> <p>1 constitution and bylaws, we'll work from this document</p> <p>2 and if you can tell me --</p> <p>3 A. Certainly.</p> <p>4 Q. -- where it's accurate and where it's not,</p> <p>5 okay?</p> <p>6 A. Um-hum.</p> <p>7 Q. Up at the top there in Article I with the</p> <p>8 Name, it indicates that the guiding principle for the</p> <p>9 Vidocq Society is Veritas Veritatum, truth begets</p> <p>10 truth. Do you know who came up with veritas veritatum</p> <p>11 as the guiding principle for the Vidocq Society?</p> <p>12 A. I don't. But I first heard it from Bill</p> <p>13 Fleischer.</p> <p>14 Q. And what did Mr. Fleischer explain to you was</p> <p>15 meant by that term?</p> <p>16 A. Essentially that everything we do, our very</p> <p>17 existence, is to help people get to the truth.</p> <p>18 Q. Okay. And so is the truth begets truth, in</p> <p>19 parenthesis there, is that the literal translation of</p> <p>20 veritas veritatum?</p> <p>21 A. I have no idea. I took one semester of</p> <p>22 Latin.</p> <p>23 Q. Okay. Well, if the guiding principle is</p> <p>24 truth begets truth, does the Vidocq Society accept that</p> <p>25 the converse would also be true? Do you understand</p>	<p style="text-align: right;">Page 56</p> <p>1 help you very much.</p> <p>2 So because the control over the</p> <p>3 investigation, because the actual real investigation</p> <p>4 into a particular case remains solely within the</p> <p>5 purview of the investigating agency, it's on them if</p> <p>6 they don't give us honest and truthful stuff. Because</p> <p>7 that will make whatever suggestions we give them likely</p> <p>8 worthless.</p> <p>9 Q. But the analogy breaks down on some level,</p> <p>10 doesn't it? Because if I go to my doctor and I give my</p> <p>11 doctor bad information, and he gives me a bad</p> <p>12 diagnosis, that is on me. That's only going to affect</p> <p>13 me.</p> <p>14 A. Um-hum.</p> <p>15 Q. In -- in the context that you're talking</p> <p>16 about, if law enforcement gives you bad information and</p> <p>17 then you suggest, based on that information, this is</p> <p>18 your suspect, that's not affecting either law</p> <p>19 enforcement or the Vidocq Society, that's affecting</p> <p>20 that person that's been identified as a suspect,</p> <p>21 correct?</p> <p>22 MR. SCISCIANI: Object to form. Answer</p> <p>23 if you can.</p> <p>24 THE WITNESS: I don't think we say that</p> <p>25 is your suspect. As a general rule, we will</p>
<p style="text-align: right;">Page 55</p> <p>1 what I mean by that?</p> <p>2 A. That requires speculation that I'm not</p> <p>3 prepared to engage in.</p> <p>4 Q. Okay. Given that veritas veritatum, or truth</p> <p>5 begets truth, is the guiding principle of the Society,</p> <p>6 what steps does the Society take, or the members of the</p> <p>7 Society take, to make sure that the information they're</p> <p>8 being given by law enforcement is true and accurate?</p> <p>9 And the information that they are sharing with law</p> <p>10 enforcement is truthful and accurate?</p> <p>11 MR. SCISCIANI: Object to form. Answer</p> <p>12 if you can.</p> <p>13 THE WITNESS: If -- let me give you an</p> <p>14 analogy to answer that.</p> <p>15 BY MR. LAUERSDORF:</p> <p>16 Q. Okay.</p> <p>17 A. If you go to your doctor and you recite your</p> <p>18 symptoms to that doctor, and the doctor gives you</p> <p>19 advice, suggestions, based upon what you told that</p> <p>20 doctor, if you misstated, or lied about your symptoms,</p> <p>21 it's your problem. If a law enforcement agency</p> <p>22 consults the Vidocq Society, to go back to my old</p> <p>23 analogy, much the way you would consult a reference</p> <p>24 book. And if you look up the wrong thing, or you input</p> <p>25 the wrong information, then what you get isn't going to</p>	<p style="text-align: right;">Page 57</p> <p>1 say, The evidence that you have shown us</p> <p>2 would suggest that you should be looking at</p> <p>3 that person. But we're not making an arrest</p> <p>4 decision. We're not making the decision to</p> <p>5 take certain investigative steps.</p> <p>6 We are trying to suggest, to the</p> <p>7 investigating agents, that they look in this</p> <p>8 particular area or another for evidence that</p> <p>9 might have some value in their investigation.</p> <p>10 But whether to follow those steps or not is</p> <p>11 completely up to them.</p> <p>12 BY MR. LAUERSDORF:</p> <p>13 Q. Okay.</p> <p>14 A. I think the -- the doctor analogy may not be</p> <p>15 perfect. I think the reference book one is.</p> <p>16 Q. Okay. So does -- does the Vidocq Society</p> <p>17 have any kind of written, or unwritten, policy about</p> <p>18 naming suspects? About its members specifically naming</p> <p>19 a person or -- or something as a suspect?</p> <p>20 MR. SCISCIANI: Object to form.</p> <p>21 THE WITNESS: I would say that we don't.</p> <p>22 When cases are presented, and -- and -- very</p> <p>23 often when cases are presented, the</p> <p>24 investigators have already focused on one or</p> <p>25 more likely suspects. And what the Society</p>

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<p style="text-align: right;">Page 58</p> <p>1 will generally do, and it's going to vary</p> <p>2 case to case, and it's going to vary based</p> <p>3 upon the types and the quantity and the</p> <p>4 quality of the evidence that they have</p> <p>5 developed, the Society will suggest ways to</p> <p>6 perhaps rule out other people. To rule out</p> <p>7 particular people, or to sharpen their focus</p> <p>8 on a person, or persons, that the Society,</p> <p>9 based upon the evidence they've shown us,</p> <p>10 suggests may be the perpetrator.</p> <p>11 BY MR. LAUERSDORF:</p> <p>12 Q. Okay.</p> <p>13 A. But the decision of focusing on a particular</p> <p>14 person is theirs, not ours.</p> <p>15 Q. Okay. And so is that --</p> <p>16 A. But when the case is being presented, if the</p> <p>17 evidence is suggesting, if it's pointing in one</p> <p>18 direction or another, the Society may say, We think</p> <p>19 you're on the right track. But it's an opinion only.</p> <p>20 We don't exert any influence over that investigation.</p> <p>21 If that makes any sense to you.</p> <p>22 Q. Okay. And that's -- and are you talking</p> <p>23 about in the Vidocq Society's current iteration? Or</p> <p>24 from the Vidocq Society's perspective has that always</p> <p>25 been, at least theoretically, true?</p>	<p style="text-align: right;">Page 60</p> <p>1 earlier, you were saying, if I understood it correctly,</p> <p>2 that the original thought, the Society, the Society was</p> <p>3 formed for the purpose of serving smaller law</p> <p>4 enforcement jurisdictions?</p> <p>5 A. Or those with less experience that we were</p> <p>6 able to provide. Yes.</p> <p>7 Okay. So smaller law enforcement</p> <p>8 jurisdictions and -- and, generally, that's because</p> <p>9 they lack experience and they lack resources, is that</p> <p>10 right?</p> <p>11 A. More -- yes. That's true.</p> <p>12 Q. That was the thinking?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Okay. So the Vidocq Society works</p> <p>15 only for law enforcement, is that right?</p> <p>16 A. Um-hum.</p> <p>17 Q. What -- it says there, In solving of cold</p> <p>18 case homicides or other crimes. What other crimes does</p> <p>19 -- do people -- does Vidocq invite presentations on?</p> <p>20 A. I think the other crimes doesn't mean that</p> <p>21 somebody would present a case based on another crime.</p> <p>22 But in the course of somebody bringing us a homicide</p> <p>23 there may be ancillary crimes that were committed.</p> <p>24 There could have been an arson involved in the same</p> <p>25 case.</p>
<p style="text-align: right;">Page 59</p> <p>1 A. I think, at least theoretically, that's</p> <p>2 always been part of our mission.</p> <p>3 Q. Okay. So if somebody acted inconsistently</p> <p>4 with that mission, that would be -- that wouldn't be</p> <p>5 something that the Vidocq Society was promoting or</p> <p>6 approving of?</p> <p>7 MR. SCISCIANI: Object to form.</p> <p>8 MR. DEFREEST: Join the objection.</p> <p>9 THE WITNESS: That's fair.</p> <p>10 BY MR. LAUERSDORF:</p> <p>11 Q. Okay. So it says here, in Article 2, when we</p> <p>12 get into the objectives there, the first bullet point,</p> <p>13 the objectives of the organization shall be, the first</p> <p>14 part is, To render pro bono assistance to law</p> <p>15 enforcement jurisdictions in the solving of cold case</p> <p>16 homicides or other crimes. Is that -- is that</p> <p>17 consistent with the actual constitution and bylaws of</p> <p>18 the Vidocq Society?</p> <p>19 A. Probably.</p> <p>20 Q. Okay. Do --</p> <p>21 A. I mean, I don't have --</p> <p>22 Q. You don't have the Constitution and --</p> <p>23 A. I don't have it in front of me and I haven't</p> <p>24 memorized it, so.</p> <p>25 Q. Okay. And if I understood something you said</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Okay.</p> <p>2 A. If somebody is shot and then they burn the</p> <p>3 building down, then you've got an arson involved too.</p> <p>4 I think that's all that means.</p> <p>5 Q. Okay.</p> <p>6 A. But I'm not aware of -- no, I shouldn't say</p> <p>7 that. Generally they are cases determined to have been</p> <p>8 homicides. There are rare cases where the cause of</p> <p>9 death was undetermined. Considered likely homicide.</p> <p>10 And we were asked to opine on whether it should be</p> <p>11 pursued as a homicide. What do we think? Do we think</p> <p>12 that might have been? But those mostly occurred in the</p> <p>13 very early days. And I don't recall, in recent years,</p> <p>14 anything that wasn't a homicide.</p> <p>15 Q. Okay. It says there, if you -- at the first</p> <p>16 bullet point, you see sub 1, where I'm at?</p> <p>17 A. Um-hum.</p> <p>18 Q. It says, Provided that such cases, 1, be</p> <p>19 brought to the Society's attention by recognized law</p> <p>20 enforcement agencies. What -- what does it mean to be</p> <p>21 a recognized law enforcement agency for the Vidocq</p> <p>22 Society purposes?</p> <p>23 A. A real police department or sheriff's office.</p> <p>24 I think --</p> <p>25 Q. Okay.</p>

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<p style="text-align: right;">Page 62</p> <p>1 A. I think the use of recognized is superfluous.</p> <p>2 Q. Okay. So it's a public agen -- it's a police</p> <p>3 agency?</p> <p>4 A. Yeah.</p> <p>5 Q. It's not something that somebody can apply to</p> <p>6 and obtain recognition from the Vidocq Society?</p> <p>7 A. Exactly.</p> <p>8 Q. Okay. And then it says, Or by immediate</p> <p>9 family members who can assure the Society of the</p> <p>10 cooperation and interest of the relevant recognized law</p> <p>11 enforcement agency. Is that -- is that accurate?</p> <p>12 A. Not today.</p> <p>13 Q. Okay. That's one of the things I was</p> <p>14 wondering about. Because the website --</p> <p>15 A. That's what makes me think this is very old.</p> <p>16 Q. Okay. Then in bullet point 2 it says, To</p> <p>17 offer law enforcement jurisdictions in-service seminars</p> <p>18 in topics related to the functioning of cold case</p> <p>19 units. So that -- there again we're talking about</p> <p>20 public police agencies, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And when you say in-service, are you talking</p> <p>23 about when you're providing the training they are on</p> <p>24 the clock? They are being sent there by their agencies</p> <p>25 to be trained?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. I guess what I'm asking is, does the Vidocq</p> <p>2 Society have a particular definition of the term</p> <p>3 forensic? What does the Vidocq Society mean when it</p> <p>4 uses the term forensic?</p> <p>5 A. I think when we use it, it's of or relating</p> <p>6 to investigations. I -- I think there is definitely --</p> <p>7 I think the way the term is used in this</p> <p>8 document, it's vague.</p> <p>9 Q. Okay.</p> <p>10 A. It's vague. But I think this entire bullet</p> <p>11 point basically deals with knowledge sharing among the</p> <p>12 members.</p> <p>13 Q. Okay. Are there any specific techniques that</p> <p>14 are intended?</p> <p>15 A. I don't think it's so much techniques. I've</p> <p>16 attended several of these type seminars. Maybe this</p> <p>17 will answer your question. In one, Philadelphia's</p> <p>18 chief medical examiner came and talked to us about</p> <p>19 gunshot wounds. And injuries from car accidents. And</p> <p>20 what types of things to look for in various kinds of</p> <p>21 injuries.</p> <p>22 In another we had a -- a seminar on blood</p> <p>23 pattern analysis. Not to make us experts, but just to</p> <p>24 give us a level of understanding of those techniques as</p> <p>25 they apply.</p>
<p style="text-align: right;">Page 63</p> <p>1 A. I'm not sure what this means by in-service.</p> <p>2 Q. Okay.</p> <p>3 A. I think it's a term of art.</p> <p>4 Q. Okay.</p> <p>5 A. But we -- this -- this has been true</p> <p>6 throughout our existence. Because one of the ways in</p> <p>7 which we can help law enforcement agencies is not</p> <p>8 solely in reviewing cases, but in teaching them how to</p> <p>9 -- how to -- some of these arcane techniques that they</p> <p>10 can then apply in their cases.</p> <p>11 Q. Okay. But it's -- okay. So does the Vidocq</p> <p>12 Society have an understanding of what is meant in this</p> <p>13 constitution by in-service?</p> <p>14 A. I don't know what that would mean at this</p> <p>15 point.</p> <p>16 Q. Okay. And then the last bullet point there</p> <p>17 is, To offer in-service seminars to the membership</p> <p>18 relating to the application of forensic techniques as</p> <p>19 they may be used in solving cold case homicides. And</p> <p>20 the -- the use of the term forensic there, does it have</p> <p>21 its, you know, ordinary meaning, related to, connected</p> <p>22 with, or used in courts of law, especially with</p> <p>23 reference to the scientific analysis of evidence?</p> <p>24 A. I don't know that it would necessarily mean</p> <p>25 the scientific analysis.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Okay. And is that same training made</p> <p>2 available or provided to law enforcement jurisdictions</p> <p>3 as well?</p> <p>4 A. Yes. Yes.</p> <p>5 Q. Okay. So --</p> <p>6 A. I'm sorry. And to finish my answer.</p> <p>7 Sometimes those trainings are to fill in when a</p> <p>8 presenting police department has had to cancel at the</p> <p>9 last minute.</p> <p>10 Q. Right.</p> <p>11 A. They'll ask somebody, can you get up and talk</p> <p>12 about this and that?</p> <p>13 Q. Right. Okay. So -- but as we're here</p> <p>14 talking today, do you -- does the Vidocq Society</p> <p>15 understand, or is it using the term forensic to mean</p> <p>16 anything other than the commonly understood dictionary</p> <p>17 definition of the term forensic?</p> <p>18 A. I would say it's the commonly understood</p> <p>19 dictionary definition.</p> <p>20 Q. Okay. So my next question was going to be</p> <p>21 about how often different techniques are taught. But</p> <p>22 it sounds like what you're saying is that it's not</p> <p>23 necessarily the teaching of specific techniques, it's</p> <p>24 more the -- kind of the broad overview of different</p> <p>25 subject areas.</p>

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<p style="text-align: right;">Page 66</p> <p>1 A. It is. And there's a difference between what</p> <p>2 is presented strictly to law enforcement agencies and</p> <p>3 what is presented to the membership.</p> <p>4 Q. Okay. And what's the difference?</p> <p>5 A. Because when the Society goes out into the</p> <p>6 field, they're usually done far away. Either a law</p> <p>7 enforcement agency, or, in many cases, a sponsoring</p> <p>8 educational institution, will sponsor the seminar.</p> <p>9 They will fly our members out to present the seminar</p> <p>10 and then they invite all of the neighboring law</p> <p>11 enforcement agencies to attend.</p> <p>12 Q. Okay.</p> <p>13 A. And sometimes they're more general. How to</p> <p>14 work a cold case. How to identify a cold case. What</p> <p>15 steps will help you in investigating your cold cases.</p> <p>16 And it's just being a reference book.</p> <p>17 Q. Okay. So in which types of forensic</p> <p>18 techniques did the Vidocq Society provide training when</p> <p>19 it was initially established in 1991?</p> <p>20 A. I have no idea.</p> <p>21 Q. In which forensic techniques did the Vidocq</p> <p>22 Society provide training as of 2010?</p> <p>23 MR. SCISCIANI: Object to form.</p> <p>24 THE WITNESS: I could not tell you.</p> <p>25 That was -- I don't think that that was</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Okay. And so some Boards, you know, are more</p> <p>2 hands on. They actually run the show. And some Boards</p> <p>3 are more, you know, the officers run the show and we</p> <p>4 just kind of oversee things, right. Is there -- along</p> <p>5 that spectrum, where does the Vidocq Society Board of</p> <p>6 Directors fall?</p> <p>7 MR. SCISCIANI: Object to form.</p> <p>8 THE WITNESS: That depends on what you</p> <p>9 mean by running the show.</p> <p>10 BY MR. LAUERSDORF:</p> <p>11 Q. Okay. Does the Board have to approve</p> <p>12 decisions that are made and actions that are taken by</p> <p>13 the Society's officers?</p> <p>14 A. That depends on the actions and the</p> <p>15 decisions.</p> <p>16 Q. Okay.</p> <p>17 A. I don't mean to be --</p> <p>18 Q. That's -- that's okay. When the -- when the</p> <p>19 Board was first established, what were the -- what were</p> <p>20 the powers of the Board?</p> <p>21 A. In 1991?</p> <p>22 Q. I still don't know when it was first</p> <p>23 established, so.</p> <p>24 A. Well, we know that it was organized as a</p> <p>25 corporation, as a nonprofit corporation in '91. So I</p>
<p style="text-align: right;">Page 67</p> <p>1 specifically covered in the deposition notice</p> <p>2 with -- with dates.</p> <p>3 BY MR. LAUERSDORF:</p> <p>4 Q. Okay.</p> <p>5 A. So I didn't inquire at that level of</p> <p>6 specificity.</p> <p>7 Q. Okay. Would there be records of -- of --</p> <p>8 with those kind of specifics still in existence with</p> <p>9 the Vidocq Society?</p> <p>10 A. Probably not.</p> <p>11 Q. Okay.</p> <p>12 A. I think that would be more oral history. And</p> <p>13 the person -- the main person I would ask would be Ed</p> <p>14 Gaughan.</p> <p>15 Q. Okay.</p> <p>16 A. Who has been our training coordinator for</p> <p>17 some time.</p> <p>18 Q. Okay. He's listed on the website as the</p> <p>19 training coordinator? U.S. Legal Support www.uslegalsupport.com</p> <p>20 A. Yes, he is.</p> <p>21 Q. Okay. Let's move on to Article 3, the Board</p> <p>22 of Directors. What is the function of the Board of</p> <p>23 Directors of the Vidocq Society?</p> <p>24 A. To give structure and guidance to the Society</p> <p>25 in its activities.</p>	<p style="text-align: right;">Page 69</p> <p>1 am assuming that there was a Board at that point. But</p> <p>2 I don't know for certain.</p> <p>3 Q. Okay. And if there were any records of that,</p> <p>4 with that information, where would it be?</p> <p>5 A. It would be oral history.</p> <p>6 Q. Okay. So given that you're assuming, you</p> <p>7 wouldn't know how many directors the Board had?</p> <p>8 A. No.</p> <p>9 Q. Okay. How many different directors have</p> <p>10 served on the Board since you've been involved with</p> <p>11 Vidocq, starting in 1994? Or let me just say between</p> <p>12 1994 and 2010?</p> <p>13 A. Well, I will tell you, until I joined the</p> <p>14 Board, I couldn't tell you the answer to that question,</p> <p>15 because I didn't count the number of people on the</p> <p>16 Board.</p> <p>17 Q. Okay.</p> <p>18 A. And your questions, in the deposition notice,</p> <p>19 didn't drill down to that level of detail, so I didn't</p> <p>20 inquire.</p> <p>21 Q. Okay. Is there -- does Vidocq have any</p> <p>22 records of who has served on its Board over the years?</p> <p>23 A. No. But since I've been on the Board, and in</p> <p>24 the time that I maintained the membership data, that</p> <p>25 identifies who was on the Board during that period. I</p>

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<p style="text-align: right;">Page 70</p> <p>1 do have -- in my computer, I have minutes of many Board</p> <p>2 meetings, which would reflect which members were</p> <p>3 present, which members were absent, and would have the</p> <p>4 names of the people on the Board.</p> <p>5 Q. Okay.</p> <p>6 A. So -- with gaps. I don't -- I didn't retain</p> <p>7 all of the minutes. But that information is</p> <p>8 retrievable.</p> <p>9 Q. Okay. How many Board members are there</p> <p>10 currently?</p> <p>11 A. I think nine.</p> <p>12 Q. And how many officers?</p> <p>13 A. Nine or ten. At present the commissioner is</p> <p>14 Michael Rieders, R-I-E-D-E-R-S. The first deputy</p> <p>15 commissioner is Howard Lobovsky The second deputy</p> <p>16 commissioner is Tom McAndrew. We have two former</p> <p>17 commissioners who are commissioners emeritus. That</p> <p>18 would be Bill Fleischer and Ben Redmond. We have a</p> <p>19 secretary, who is Stacy, S-T-A-C-Y, Forchetti,</p> <p>20 F-O-R-C-H-E-T-T-I. I think she's anglicized the</p> <p>21 pronunciation, but I didn't. John Cohen is the</p> <p>22 treasurer. I think that's it for officers.</p> <p>23 Q. Okay. Have those numbers been consistent</p> <p>24 throughout the time that you have served on the Board,</p> <p>25 or as an officer of the --</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Do you think it's -- that number has stayed</p> <p>2 consistent since you left the membership chair?</p> <p>3 A. I believe it has. Because we've had people</p> <p>4 who left, people who added. I don't think there's been</p> <p>5 any sharp increase or decrease in those numbers.</p> <p>6 Q. And how many honorary members are there of</p> <p>7 the Vidocq Society?</p> <p>8 A. The honorary category tends to be people who</p> <p>9 live outside the Country. Are members who are in</p> <p>10 Italy, for example, would be an honorary member.</p> <p>11 They're not paying dues. Or if an active member moves</p> <p>12 so far away that they're not working on anything,</p> <p>13 they're not attending meetings, rather than pay dues,</p> <p>14 they take on honorary membership until such time as</p> <p>15 they relocate to the area. So we have a number of</p> <p>16 members. That way they're there if we need them.</p> <p>17 Q. Okay.</p> <p>18 A. There is one woman who's a forensic</p> <p>19 entomologist. Not every case requires that type of</p> <p>20 expertise. So as an honorary member she's there if we</p> <p>21 need to consult her.</p> <p>22 Q. Okay.</p> <p>23 A. But she's gone. I don't know the number</p> <p>24 presently. But it's usually no more than a couple of</p> <p>25 dozen.</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Largely, yes.</p> <p>2 Q. Okay. If you move down there to Sections 2</p> <p>3 and 3, are there still three categories of membership?</p> <p>4 A. Yes.</p> <p>5 Q. And so how many full members are there of the</p> <p>6 Vidocq Society?</p> <p>7 A. At present I think we're at 81. But I'm not</p> <p>8 a hundred percent certain. I know we're very close to</p> <p>9 capacity.</p> <p>10 Q. Okay. So the -- I think I saw something in</p> <p>11 here about the full membership would be limited to --</p> <p>12 or shall not exceed 82.</p> <p>13 A. Yes. That was the number of years that</p> <p>14 Eugene-Francois Vidocq lived.</p> <p>15 Q. Okay. So that is still true?</p> <p>16 A. That is still true.</p> <p>17 Q. There's an 82 member cap? On full members.</p> <p>18 A. Correct.</p> <p>19 Q. Okay. How many special members are there in</p> <p>20 Vidocq currently?</p> <p>21 A. I don't know. But when I was still</p> <p>22 membership chair, I believe the number of special</p> <p>23 members was approximately 120 or 130.</p> <p>24 Q. Okay.</p> <p>25 A. That's just ball park.</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Okay. And is an -- are honorary memberships</p> <p>2 something that are applied for? Or something that is</p> <p>3 bestowed?</p> <p>4 A. It is. In the case of people who are, like</p> <p>5 we have one guy in Egypt, another guy in Italy. We</p> <p>6 just make them that type of member. It's bestowed</p> <p>7 because there's no dues, there's no voting. But they</p> <p>8 are there if we need to consult them.</p> <p>9 Q. Okay.</p> <p>10 A. And it's not really applied for, but it's</p> <p>11 requested by a member who is really remote, or so</p> <p>12 advanced in age that they -- they don't really want to</p> <p>13 participate anymore, but they want to continue an</p> <p>14 affiliation with the Society.</p> <p>15 Q. Okay. But it's generally something that they</p> <p>16 want. It's not something that the Society identifies</p> <p>17 somebody and says, Hey, we're making you an honorary</p> <p>18 member.</p> <p>19 A. Precisely.</p> <p>20 Q. Okay. Who came up with the honorific VSM?</p> <p>21 A. Probably Bill.</p> <p>22 Q. And if I understand correctly, that just</p> <p>23 means Vidocq Society --</p> <p>24 A. Vidocq Society Member.</p> <p>25 Q. Okay.</p>

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<p style="text-align: right;">Page 90</p> <p>1 Q. So then when Fred -- when Mr. Bornhofen</p> <p>2 needed to report about the cases that were currently</p> <p>3 under management, would he come to you and ask you for</p> <p>4 information? Or would you actually get a report?</p> <p>5 A. Yeah, he would e-mail me and say "What's</p> <p>6 going on with this case?"</p> <p>7 Q. Okay.</p> <p>8 A. And I would say, it looks like it's not going</p> <p>9 to go anywhere.</p> <p>10 Q. Okay. And then he would collect those</p> <p>11 e-mails and then report at the meeting this is --</p> <p>12 A. Yes. And -- and the Board minutes might</p> <p>13 reflect. But usually when he would report, it would be</p> <p>14 this case looks like it's going to be a live</p> <p>15 presentation. They have a few more things they want to</p> <p>16 check. They're waiting for this or that to come back</p> <p>17 from the lab before they present to us. Because when</p> <p>18 an agency presented a case to us, it was helpful if lab</p> <p>19 results were already in. To the extent that they had</p> <p>20 any evidence. Check it for fingerprints. See if you</p> <p>21 got prints. See if the prints turn anything up.</p> <p>22 It was -- it was -- our assistance to them,</p> <p>23 during a case presentation, would have much more value</p> <p>24 to them if they had that information. And could answer</p> <p>25 the questions that we were asking. So that's what the</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Okay. Is the synopsis a -- is that what the</p> <p>2 synopsis is? Or no?</p> <p>3 A. Fred prepared this synopsis. Because it</p> <p>4 covers the period when -- when Fred was our case</p> <p>5 manager.</p> <p>6 Q. In preparing for the deposition did you talk</p> <p>7 to Fred about his --</p> <p>8 A. Fred is dead.</p> <p>9 Q. Oh, I'm sorry. Did you talk to anybody about</p> <p>10 the synopsis and what its purpose was?</p> <p>11 A. Yes. I talked to Bill Gill and he said he</p> <p>12 had no clue. He only knew that he had this document</p> <p>13 from Fred.</p> <p>14 Q. Okay. And then -- so -- so why does the</p> <p>15 synopsis end in 2013? Is that when Mr. Bornhofen --</p> <p>16 A. That's about when -- when Bill took over.</p> <p>17 Q. Okay. So the Vidocq Society didn't have any</p> <p>18 kind of written or unwritten or understood policy about</p> <p>19 maintaining a synopsis like this?</p> <p>20 A. No.</p> <p>21 Q. Okay. Was there any kind of policy, written</p> <p>22 or unwritten, about maintaining records of the cases</p> <p>23 that were currently under management with the Vidocq</p> <p>24 Society at any given point in time?</p> <p>25 A. No. Because we weren't managing them. I</p>
<p style="text-align: right;">Page 91</p> <p>1 individual members were doing, was coordinating with</p> <p>2 the investigating agency to get the case either tight</p> <p>3 enough to present or where both parties would agree,</p> <p>4 you know what, this isn't going to go anywhere. We</p> <p>5 have no witnesses. We have no evidence that we can</p> <p>6 look for. There is nothing you can help us with.</p> <p>7 Q. So would there be written records, then, of</p> <p>8 cases currently under management of the Vidocq Society</p> <p>9 at any given point in time?</p> <p>10 A. Only -- no. Only to the extent. Well, if</p> <p>11 Fred kept them.</p> <p>12 Q. Actually, if you're e-mailing back and forth</p> <p>13 with Mr. Bornhofen about a particular case, or you're</p> <p>14 -- you're liaising with a particular agency, would those</p> <p>15 e-mails be kept somewhere?</p> <p>16 A. Well, most of the contacts with the agency</p> <p>17 would have been by phone, not e-mail.</p> <p>18 Q. Okay.</p> <p>19 A. And similarly with Fred. I mean, I would</p> <p>20 call Fred and say, listen, you know, I talked to the</p> <p>21 detectives. They're busy. They don't want to pursue</p> <p>22 this anymore. I say we close the file on it.</p> <p>23 Q. And then would Fred make a record of that so</p> <p>24 he was able to report at the next meeting?</p> <p>25 A. I don't know what Fred would do.</p>	<p style="text-align: right;">Page 93</p> <p>1 mean, we were calling it managing. The cases on which</p> <p>2 -- that had been brought to us for consultation, or to</p> <p>3 see if we could help, but I wouldn't call it managing.</p> <p>4 Q. Okay. Do you know if these -- these terms</p> <p>5 under management appear in the current iteration of the</p> <p>6 constitution?</p> <p>7 A. I don't believe they do. But I don't have</p> <p>8 that in front of me, so I couldn't tell you.</p> <p>9 Q. Okay. So because -- because this is the only</p> <p>10 thing I have, or that I've been provided, I'm going to</p> <p>11 continue to use the term under management if that's</p> <p>12 okay.</p> <p>13 A. Go whatever suits you.</p> <p>14 Q. Okay.</p> <p>15 A. But, if I could just jump in to clarify my</p> <p>16 answer. If you look at item number 121 on Exhibit-13,</p> <p>17 that was one of the cases that had been assigned to me.</p> <p>18 Q. Okay.</p> <p>19 A. And I was simply the liaison. There was no</p> <p>20 investigation to be done.</p> <p>21 Q. That's the Martin M. Burkle?</p> <p>22 A. Yeah. I agreed to work it. Meaning, I would</p> <p>23 look at it, see if there appeared to be any way to</p> <p>24 revive it. That's what's meant by work the case.</p> <p>25 Because that's all I was allowed to do.</p>

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<p style="text-align: right;">Page 94</p> <p>1 Q. And that's one where the coroner had ruled</p> <p>2 the cause of death undetermined, right?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. So -- but then -- okay. Well, using</p> <p>5 the term as it appears here, or however the Vidocq</p> <p>6 Society intended it, how many cases did the Vidocq</p> <p>7 Society have under management when it incorporated in</p> <p>8 1991?</p> <p>9 A. I have no idea. That's not something you</p> <p>10 asked for specifically. And it's not something I</p> <p>11 looked for. I don't know if that's even -- it's</p> <p>12 something anybody would know. It would be a matter of</p> <p>13 oral history.</p> <p>14 Q. Okay. How many cases did the Vidocq Society</p> <p>15 have under management as of January 1st, 2010?</p> <p>16 A. I don't know.</p> <p>17 Q. Is that -- would there be records of that</p> <p>18 somewhere?</p> <p>19 A. I doubt it.</p> <p>20 Q. That would also just be oral history?</p> <p>21 A. Pardon me?</p> <p>22 Q. That would also just be oral history?</p> <p>23 A. Oral history, or to the extent that you could</p> <p>24 divide it from Exhibit-13, that information could,</p> <p>25 because there are dates on here, somebody could go</p>	<p style="text-align: right;">Page 96</p> <p>1 distributed at the beginning of each meeting. To the</p> <p>2 members in attendance.</p> <p>3 Exhibit-13?</p> <p>4 A. Not this, no.</p> <p>5 Q. Okay.</p> <p>6 A. The individual synopsis prepared by the</p> <p>7 investigator of the case that's to be presented that</p> <p>8 day.</p> <p>9 Q. Okay.</p> <p>10 A. And typically those ran 2, 3, 4 pages. At</p> <p>11 max. Those would be distributed to the members</p> <p>12 attending the meeting so that they could understand</p> <p>13 what had been done, and then say, during and after the</p> <p>14 presentation, "Have you thought about looking at this?"</p> <p>15 "Have you thought about this?" "Do you still have this</p> <p>16 evidence?" "Could this be submitted to see if maybe</p> <p>17 you could get fingerprints?"</p> <p>18 But it gives the Vidocq Society members a</p> <p>19 general understanding of what the case is about.</p> <p>20 Because absent that synopsis, our meetings used to be</p> <p>21 only two hours, now they're about two and a half.</p> <p>22 There is too much information that has to be imparted,</p> <p>23 and not enough time for that back and forth process</p> <p>24 that we do. So by giving us the synopsis we get a</p> <p>25 sense of the CliffsNotes version of the investigation,</p>
<p style="text-align: right;">Page 95</p> <p>1 through this and try to -- try to figure it out.</p> <p>2 Q. Okay.</p> <p>3 A. But as far as I'm aware, this document is the</p> <p>4 only thing that exists by which that information could</p> <p>5 be gleaned.</p> <p>6 Q. Okay. So in there it also says -- I'm</p> <p>7 looking still on Exhibit-2, Article 2, Section 2, Case</p> <p>8 manager shall receive all cases submitted to the</p> <p>9 Society for consideration. Is that -- do you know</p> <p>10 whether that language appears in the current</p> <p>11 Constitution and Bylaws?</p> <p>12 A. I don't know. But I think that likely that</p> <p>13 it does.</p> <p>14 Q. Okay. And what records are kept of submitted</p> <p>15 cases?</p> <p>16 A. Depending on how they're submitted to us for</p> <p>17 consideration. In some cases it just starts with an</p> <p>18 e-mail or a phone call.</p> <p>19 Q. Okay.</p> <p>20 A. If it looks like it's a case that's going to</p> <p>21 be presented, the case manager asks the assigned</p> <p>22 investigator to prepare a brief synopsis of the case to</p> <p>23 be shared with our members. In the -- going back to</p> <p>24 the time around -- since you're concerned with the time</p> <p>25 around 2010, in that time period, those synopses were</p>	<p style="text-align: right;">Page 97</p> <p>1 and could say -- oh, if I may give you an example.</p> <p>2 Q. Sure.</p> <p>3 A. There was one case, I can't remember which</p> <p>4 one it was, where the murder weapon was, I believe it</p> <p>5 was a brick. And it was found at the scene. It had</p> <p>6 blood on it. And one of our members said, "Do you</p> <p>7 still have the brick?" And the guy said, yeah. He</p> <p>8 said, well, when you grab a brick with enough force to</p> <p>9 strike someone and kill them, your hand is going to</p> <p>10 shed epithelial cells, and those cells may still be</p> <p>11 present in the brick. And if you get it tested, with</p> <p>12 today's technology, that may assist you in identifying</p> <p>13 the person who committed this homicide.</p> <p>14 That's the kind of thing that happens in our</p> <p>15 meetings. So there is no directing the investigation.</p> <p>16 It's, Hey, have you thought of this? The -- the</p> <p>17 synopsis gives us the structure from which to do that.</p> <p>18 If that makes sense.</p> <p>19 Q. Yeah, it does. But I'm more interested --</p> <p>20 what I'm asking about, what I'm more interested in, is</p> <p>21 the records that are kept, by the Vidocq Society, of</p> <p>22 the cases that are submitted to the Society. Are the</p> <p>23 synopses that are submitted by law enforcement --</p> <p>24 A. Those were destroyed at the end of each</p> <p>25 meeting usually.</p>

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<p style="text-align: right;">Page 98</p> <p>1 Q. By the members who received them?</p> <p>2 A. No. We collected them at the end of each</p> <p>3 meeting.</p> <p>4 Q. Okay. And then Vidocq destroyed all of them?</p> <p>5 A. Well, the meetings used to be at the Downtown</p> <p>6 Club.</p> <p>7 Q. Okay.</p> <p>8 A. I worked in the U.S. Attorney's Office, which</p> <p>9 at that time was directly across the street. So, just</p> <p>10 as a matter of convenience, I would collect them and</p> <p>11 I'd take them across the street and I'd dump them into</p> <p>12 our shredder bins to be collected and turned into</p> <p>13 mulch.</p> <p>14 Q. Okay. And that was the U.S. Attorney's</p> <p>15 Office's shredder bins?</p> <p>16 A. They were these great big bins that looked</p> <p>17 like trash cans and. They had a slit on them and they</p> <p>18 were collected and then literally turned into mulch.</p> <p>19 Q. Right.</p> <p>20 A. We used --</p> <p>21 Q. But the U.S. Attorney's Office used them to</p> <p>22 shred --</p> <p>23 A. Sensitive documents.</p> <p>24 Q. -- sensitive documents.</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. So -- so the Vidocq Society -- did the</p> <p>2 Vidocq Society have a written policy about destroying</p> <p>3 all of the --</p> <p>4 A. It was not a written policy.</p> <p>5 Q. Okay. It was just understood?</p> <p>6 A. It was understood. And in later years, we</p> <p>7 had -- I created a cover sheet that said, Law</p> <p>8 Enforcement Sensitive. All copies, whether digital or</p> <p>9 hard copy, must be destroyed at the end of this</p> <p>10 meeting.</p> <p>11 Q. Okay.</p> <p>12 A. Because we now send them by e-mail.</p> <p>13 Q. Okay. So that -- that relates to the</p> <p>14 synopsis that the law enforcement agency prepares and</p> <p>15 sends to the membership as a prelude to the -- to the</p> <p>16 presentation?</p> <p>17 A. Correct.</p> <p>18 Q. What I'm interested in is --</p> <p>19 A. The case managers?</p> <p>20 Q. Yeah, the communication that goes back and</p> <p>21 forth between the public agency reaching out to the</p> <p>22 Vidocq Society, the Vidocq Society, and saying, yeah,</p> <p>23 this is who we are. This is what we do. What records</p> <p>24 are kept of which agencies have reached out, and which</p> <p>25 cases they've reached out about?</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. So Vidocq Society also used them to shred --</p> <p>2 A. Yeah.</p> <p>3 Q. -- sensitive documents.</p> <p>4 A. But it wasn't shredding, it's mulching.</p> <p>5 Q. Mulching, okay.</p> <p>6 A. It's way beyond shredding.</p> <p>7 Q. Okay.</p> <p>8 A. Shredded documents can be reassembled.</p> <p>9 Mulched documents cannot.</p> <p>10 Q. Okay. So -- and would you do that -- so</p> <p>11 there would be no record, you know, not even one of</p> <p>12 these summaries kept so that Vidocq can --</p> <p>13 A. Occasionally a member would fold it up and</p> <p>14 stick it in their pocket. And I believe it was turned</p> <p>15 over to you, the one for this particular case. When I</p> <p>16 reached out to the membership and sent a blast saying</p> <p>17 do you have anything, I -- I echoed the questions you</p> <p>18 asked in the deposition notice. One of our members did</p> <p>19 a search and found this particular case, which we refer</p> <p>20 to as the Oregon case, and found the -- the</p> <p>21 investigator's summary. And I gave that to counsel and</p> <p>22 they provided it to you.</p> <p>23 Q. Which member was that?</p> <p>24 A. That was John Nemec, N-E-M-E-C, who is a</p> <p>25 Board member.</p>	<p style="text-align: right;">Page 101</p> <p>1 MR. SCISCIANI: Object --</p> <p>2 THE WITNESS: Generally none.</p> <p>3 MR. SCISCIANI: -- to form. Go ahead.</p> <p>4 Sorry.</p> <p>5 THE WITNESS: Sorry. Generally none.</p> <p>6 BY MR. LAUERSDORF:</p> <p>7 Q. Okay. And why is that?</p> <p>8 A. Only those that are necessary for -- in other</p> <p>9 words, while a case is still active, the case manager</p> <p>10 would retain all of the correspondence. Once we step</p> <p>11 away from it, having suggested whatever we're going to</p> <p>12 suggest, and the ball's back in the investigating</p> <p>13 agency's court to do with it what they will, there's no</p> <p>14 need for us to keep anything.</p> <p>15 Q. Okay. So how do you keep track of -- like,</p> <p>16 what about records of cases that have been rejected?</p> <p>17 What records are kept of that?</p> <p>18 A. There's no need for us to keep any records of</p> <p>19 that. And we don't.</p> <p>20 Q. So how do you -- how do you keep track of --</p> <p>21 so what I'm getting at, I'm -- I guess what I'm trying</p> <p>22 to figure out is, if an agency reaches out to you, and</p> <p>23 they make a presentation, and the Vidocq Society, some</p> <p>24 members give them some advice, and you don't hear from</p> <p>25 them for a while, and these cold cases go on for</p>

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<p style="text-align: center;">Barbara Cohan-Saavedra February 14, 2024</p> <p>1 that was usually kind of light, fluffy stuff.</p> <p>2 maintain regular contact with the members. It would</p> <p>3 generally announce the people who were new members or</p> <p>4 announce deaths of members. And at times they would</p> <p>5 solicit articles from the members on a topic that may</p> <p>6 be relevant to the membership.</p> <p>7 Q. Okay.</p> <p>8 A. And it would announce publications that if --</p> <p>9 if a member wrote a book they would let people know</p> <p>10 that.</p> <p>11 Q. Okay.</p> <p>12 MR. LAUERSDORF: Can you mark that as</p> <p>13 Exhibit-3.</p> <p>14 * * *</p> <p>15 (Whereupon, the above-mentioned document</p> <p>16 was marked for identification as Cohan-3.)</p> <p>17 * * *</p> <p>18 BY MR. LAUERSDORF:</p> <p>19 Q. Take a look at what has been marked as</p> <p>20 Exhibit-3 as handed to you and tell me if you recognize</p> <p>21 that document at all.</p> <p>22 A. This is a very old copy of -- of the Vidocq</p> <p>23 Society Journal.</p> <p>24 Q. Yeah. That's the only one I could find. But</p> <p>25 that's what I just wanted to ask. Is that what is --</p>	<p style="text-align: right;">Page 112</p> <p>2 Q. Okay.</p> <p>3 A. And noth -- nothing came up. And I do have</p> <p>4 old copies of the Journal in my computer.</p> <p>5 Q. Okay.</p> <p>6 A. So they were definitely not named.</p> <p>7 Q. Are the -- are all the past issues of the</p> <p>8 Journal archived?</p> <p>9 A. No. Just like everything else, it's up to</p> <p>10 the individual members if they want to keep it.</p> <p>11 Q. Okay. So if you look at page 4 there, it's</p> <p>12 an article on the Vidocq training committee and what</p> <p>13 most Vidocq members don't know?</p> <p>14 A. Um-hum.</p> <p>15 Q. And they're talking about the Vidocq training</p> <p>16 committee is a group of members who volunteer to travel</p> <p>17 on their own time and they do these five day seminars.</p> <p>18 Do you see where I'm at?</p> <p>19 A. Um-hum.</p> <p>20 Q. It says, We usually look at -- they do five</p> <p>21 day seminars, "and we usually look at 10 to 15 cases</p> <p>22 during a five day seminar. That's not a typo, 10 to 15</p> <p>23 cases." So there are cases presented to Vidocq, or its</p> <p>24 membership, outside of the context of the Vidocq</p> <p>25 meetings that occur?</p>
<p style="text-align: right;">Page 111</p> <p>1 when the bylaws refer to the Journal, is that what</p> <p>2 they're talking about?</p> <p>3 A. That's the journal they're talking about.</p> <p>4 Q. Okay. There's -- if you go to page 4 of the</p> <p>5 Journal, of that particular exhibit, Exhibit-3 -- well,</p> <p>6 let me ask you. There were no -- no copies of the</p> <p>7 Vidocq Journal have been produced in this discovery in</p> <p>8 this matter. Do you know why that is?</p> <p>9 A. I do not.</p> <p>10 Q. Does that mean that there --</p> <p>11 A. Were they requested?</p> <p>12 Q. Yes. I believe so.</p> <p>13 A. I don't know.</p> <p>14 Q. And I'm just wondering if that means that</p> <p>15 there is no mention of Nicholas McGuffin, or Leah</p> <p>16 Freeman, or the Leah Freeman case in any issue of the</p> <p>17 Vidocq Journal?</p> <p>18 A. To my knowledge there is no mention of it</p> <p>19 anywhere.</p> <p>20 Q. Okay.</p> <p>21 A. Because I have retained copies of the</p> <p>22 Journal. And one of the things that I did to prepare</p> <p>23 for this, is I ran the terms Oregon and McGuffin and</p> <p>24 Leah. Not Freeman, because I know lots of people named</p> <p>25 Freeman. But I ran those three names through my entire</p>	<p style="text-align: right;">Page 113</p> <p>1 A. No. No. No. The process that happens at</p> <p>2 these seminars where the attendees will bring cases to</p> <p>3 the presenters, in this case the presenters are members</p> <p>4 of the Vidocq Society training committee.</p> <p>5 Q. Okay.</p> <p>6 A. It -- they are functioning as the case</p> <p>7 manager would function, in reviewing a case, to see if</p> <p>8 there is anything where we might be able to assist them</p> <p>9 to move it forward. Where we could make suggestions of</p> <p>10 actions they could take to move their cases forward.</p> <p>11 Q. Where -- where would the information on those</p> <p>12 cases, those 10 to 15 cases that are presented while</p> <p>13 they're out in the field training, where would the</p> <p>14 information on those cases be?</p> <p>15 A. What do you mean by information?</p> <p>16 Q. Well, any kind of summary of who they met</p> <p>17 with, when they met, what the case was about, what case</p> <p>18 they met on, anything like that?</p> <p>19 MR. SCISCIANI: Object to form.</p> <p>20 THE WITNESS: I don't -- well, two</p> <p>21 things. I didn't ask, because you didn't</p> <p>22 include that in your deposition notice. And</p> <p>23 the answer is I don't know. But it should</p> <p>24 be, just like anything else, it's not -- the</p> <p>25 records that are kept are the records of the</p>

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<p style="text-align: right;">Barbara Cohan-Saavedra February 14, 2024</p> <p>1 Vidocq Society's activity with respect to 2 case. 3 If it's not a case that the Society is 4 working, if -- if Ed Gaughan is out in 5 Arizona and a local police officer brings him 6 a case and says, What do you think of 7 this? We did this, we did this, we did this, 8 we did this. One of two things is going to 9 happen. Ed may look at that case -- 10 actually, one of three things. 11 Ed may look at that case and say, you 12 should put this together for presentation and 13 then pass it on to the case manager, who 14 would schedule it for a meeting and treat it 15 just like any other case that had been 16 brought directly to the case manager. 17 Second thing that could happen is Ed 18 could look at it and say, looks like you got 19 nothing. Looks like there's no chance of 20 improving it. That's -- that's often the 21 case with a random homicide where a traveler 22 is killed on -- on a roadside someplace, and 23 there's literally no physical evidence. 24 There's nothing to be worked on. 25 And the -- and the middle of that would</p>	<p style="text-align: right;">Page 116</p> <p>1 Yes, we have taken our members to crime scenes to 2 assist in cases. So they're -- they might bring them 3 the file and have them review the file and then take 4 them out to the crime scene and the Vidocq Society 5 would walk the crime scene or -- do you know what they 6 would do at the crime scene? 7 MR. SCISCIANI: Object to form. 8 THE WITNESS: I -- i would have to be 9 speculating. 10 BY MR. LAUERSDORF: 11 Q. Okay. And then it mentions that these are 12 five day seminars. How often does the Vidocq Society 13 put on these five day seminars? 14 A. They're not very frequent. Maybe once or 15 twice a year. 16 Q. Do you know how often they were done between 17 1990 and 2010? 18 A. I do not. 19 Q. Do you know how often Richard Walter spoke at 20 any of these five day seminars? 21 A. I do not know. I don't believe that was 22 asked. 23 Q. What subjects did Mr. Richard Walter present 24 on at these five day seminars? 25 MR. SCISCIANI: Object to form.</p>
<p style="text-align: right;">Page 115</p> <p>1 be where Ed may look at it and say, hey, do 2 you still have the murder weapon? You might 3 be able to get epithelial cells out of that 4 thing if you still have it. And maybe that's 5 enough. There's no reason for us to keep 6 records. 7 BY MR. LAUERSDORF: 8 Q. Okay. It says there -- it says, that's not a 9 typo, 10 to 15 cases, and we've helped to move some of 10 those cases forward. It says, In more than one 11 instance, detectives attending the seminar will go back 12 to their department at the end of the day, grab the 13 file and show up at our hotel. Can you imagine looking 14 at crime scene photos and reviewing reports by the high 15 beams of a police car in a hotel parking lot? On other 16 occasions detectives have taken our members to crime 17 scenes to assist in cases. 18 So what that suggests to me is that, in the 19 process of these five day seminars, police officers 20 from local agencies are going back to their departments 21 and removing agency files from their offices and then 22 bringing them to individual Vidocq Society members for 23 review at a remote location. Is that what that says? 24 A. That's what this sounds like. 25 Q. Okay. And then, on other occasions, it says,</p>	<p style="text-align: right;">Page 117</p> <p>1 THE WITNESS: I have no knowledge of 2 that. 3 BY MR. LAUERSDORF: 4 Q. Okay. It also says there, in the second 5 paragraph down, fourth sentence, where it starts with 6 "Attendance", do you see where I'm at? 7 A. Um-hum. 8 Q. Attendance is limited to credentialed law 9 enforcement and homicide prosecutors. So, you had 10 mentioned earlier these -- that the seminars that 11 sometimes you put on in collaboration with universities 12 or other educational facilities. When you're doing it 13 in collaboration with those educational facilities, is 14 it still limited to badged officers? Credentialed 15 officers? 16 A. Yes. 17 Q. Or can the university invite whoever it 18 wants? 19 A. No. It's -- they're just hosting it for the 20 law enforcement agencies. It's not open to students 21 and people like that. 22 Q. Okay. So is that a condition of the Vidocq 23 Society's willingness to teach at those presentations? 24 That it can only be limited to credentialed officers? 25 A. That's my understanding.</p>

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<p style="text-align: right;">Page 126</p> <p>1 indicating that Vidocq -- The Vidocq Society's been in</p> <p>2 service to law enforcement nationwide since 1990,</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. And its mission is to provide expert</p> <p>6 assistance to law enforcement agencies?</p> <p>7 A. Yes.</p> <p>8 Q. And that's for the purpose of solving their</p> <p>9 cold case homicides, right?</p> <p>10 A. Um-hum.</p> <p>11 Q. And for law enforcement, solving the case</p> <p>12 means clearing the case by arrest and conviction, if</p> <p>13 possible, correct?</p> <p>14 MR. SCISCIANI: Object to form.</p> <p>15 THE WITNESS: Not necessarily.</p> <p>16 BY MR. LAUERSDORF:</p> <p>17 Q. Okay. In what other ways does it work toward</p> <p>18 solving cases?</p> <p>19 A. Well, it could be determined that a homicide</p> <p>20 wasn't even a homicide. I mean, it's to find out the</p> <p>21 truth of what happened.</p> <p>22 Q. Okay.</p> <p>23 A. That's how we interpret it.</p> <p>24 Q. Okay. But later on, and we'll get to this on</p> <p>25 the website, it says that you don't take cases unless</p>	<p style="text-align: right;">Page 128</p> <p>1 That's where we end. Their solving takes it steps</p> <p>2 further. We do not.</p> <p>3 Q. And how -- how the crime occurred, right?</p> <p>4 A. Yeah.</p> <p>5 Q. Yeah. Okay. And you emphasize there, on the</p> <p>6 first page, and then -- on several pages. It's on the</p> <p>7 first page and the second page, and I think some other</p> <p>8 pages, that the Society does not conduct independent</p> <p>9 investigations. Is that right?</p> <p>10 A. Um-hum.</p> <p>11 Q. And that the Vidocq Society only works with</p> <p>12 public law enforcement agencies, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And that's to examine evidence, provide</p> <p>15 knowledgable guidance and act as a catalyst for law</p> <p>16 enforcement agencies and prosecutors.</p> <p>17 A. Where is that? That's not on here.</p> <p>18 Q. It's on page 2 there.</p> <p>19 A. Well, you were on page 1.</p> <p>20 Q. Well, it -- it talks about being a catalyst</p> <p>21 at the bottom of page 1. It acts as a catalyst to</p> <p>22 assist law enforcement agencies only at their</p> <p>23 limitation, right?</p> <p>24 A. Um-hum.</p> <p>25 Q. And then if you go to page 2, the paragraph</p>
<p style="text-align: right;">Page 127</p> <p>1 they've already been explicitly established as a</p> <p>2 homicide.</p> <p>3 MR. SCISCIANI: Object to form.</p> <p>4 BY MR. LAUERSDORF:</p> <p>5 Q. So when it comes to you, it's already been</p> <p>6 determined that it's a homicide.</p> <p>7 A. Okay.</p> <p>8 Q. The goal in solving it is to clear it by</p> <p>9 arrest or conviction, if -- if possible, right?</p> <p>10 Sometimes it's not possible.</p> <p>11 A. In our view, from the Vidocq Society, solving</p> <p>12 it is finding out the truth of what happened, and who</p> <p>13 the likely perpetrator is. It's up to the -- the</p> <p>14 agency to take those next steps of arrest and</p> <p>15 conviction. We're not part of that.</p> <p>16 Q. Yeah. And I understand Vidocq is not --</p> <p>17 A. Yeah, I just wanted to clarify.</p> <p>18 Q. -- doesn't have the authority to make</p> <p>19 arrests. I get that. But the goal is to help law</p> <p>20 enforcement, public police agencies, solve their --</p> <p>21 their cold cases. Right? Their cold homicide cases.</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 A. But by solve, from the Vidocq Society's</p> <p>25 perspective, it's to identify the likely perpetrator.</p>	<p style="text-align: right;">Page 129</p> <p>1 that begins "For more than 25 years".</p> <p>2 A. Okay.</p> <p>3 Q. It's provided expert assistance to law</p> <p>4 enforcement agencies across the United States as they</p> <p>5 work to solve their cold case homicides. The Society</p> <p>6 does not conduct independent investigations. We act as</p> <p>7 a catalyst and assist law enforcement agencies, only at</p> <p>8 their invitation.</p> <p>9 A. Um-hum.</p> <p>10 Q. And then on the next paragraph is, If you</p> <p>11 represent an agency with investigative jurisdiction</p> <p>12 over such a case and would like fellow professionals to</p> <p>13 examine the evidence and provide knowledgable guidance,</p> <p>14 please contact the Society. So I combined a little bit</p> <p>15 of that.</p> <p>16 A. Okay.</p> <p>17 Q. And paraphrased it into the question, that</p> <p>18 the Society is emphasizing that the Vidocq Society only</p> <p>19 works with public law enforcement agencies. And to the</p> <p>20 extent they do, it's to examine evidence, provide</p> <p>21 knowledgable guidance, and act as a catalyst for law</p> <p>22 enforcement agencies and prosecutors. Is that fair?</p> <p>23 MR. SCISCIANI: Object to form.</p> <p>24 THE WITNESS: Um-hum.</p> <p>25 MR. DEFREEST: Join the objection.</p>

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<p style="text-align: right;">Page 138</p> <p>1 A. No.</p> <p>2 Q. Okay. So if law enforcement brought a case</p> <p>3 to Vidocq and said, here is everything we have got.</p> <p>4 Here are all the reports, here are the photos, here's</p> <p>5 the autopsy record, here's the blood stain spatter. Do</p> <p>6 your analysis. And that Vidocq member used that</p> <p>7 information to their advantage to go to the family and</p> <p>8 say, Hey, you should hire my firm to look into this for</p> <p>9 you. To investigate this for you. That would create a</p> <p>10 conflict, right?</p> <p>11 MR. SCISCIANI: Object to form.</p> <p>12 BY MR. LAUERSDORF:</p> <p>13 Q. Or a potential for a conflict?</p> <p>14 MR. SCISCIANI: Same objection to form.</p> <p>15 MR. DEFREEST: Join objection.</p> <p>16 THE WITNESS: It calls for such a degree</p> <p>17 of speculation. Because every Vidocq Society</p> <p>18 member is a professional in either forensics,</p> <p>19 or private investigation, or something. To</p> <p>20 my knowledge, there was only one case in</p> <p>21 which the potential for that monetization</p> <p>22 existed. And the member, very wisely,</p> <p>23 brought the question to the Board and said, I</p> <p>24 have been approached by the family of a</p> <p>25 murder victim and they want to retain me, and</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Um-hum.</p> <p>2 Q. Cases that have not been ruled a homicide,</p> <p>3 that's something that's changed as well, right? On the</p> <p>4 synopsis there were a number of cases where ruled</p> <p>5 suicide and the family disagreed and they came to --</p> <p>6 A. Exactly.</p> <p>7 -- Vidocq to -- okay. So then, we go to page</p> <p>8 -- if we go back to page 3 of 8. On the section, How</p> <p>9 does Vidocq Society assist law enforcement? The</p> <p>10 website lays out how things proceed once a police</p> <p>11 agency has requested the Vidocq Society's assistance</p> <p>12 with a cold case investigation. Is that right?</p> <p>13 A. Where are you?</p> <p>14 Q. It says, Most often -- it's the second</p> <p>15 sentence in that --</p> <p>16 A. Okay.</p> <p>17 Q. -- paragraph. Most often once a case is</p> <p>18 accepted the lead investigators are invited, at the</p> <p>19 Society's expense, to present their case to our members</p> <p>20 at one of our monthly meetings. Do you see where I'm</p> <p>21 at?</p> <p>22 A. Yep.</p> <p>23 Q. Okay. And so at that point, after the police</p> <p>24 agency has requested the Vidocq Society's assistance,</p> <p>25 Vidocq -- it says, Vidocq Society pays for the officers</p>
<p style="text-align: right;">Page 139</p> <p>1 remunerate me, for working on this.</p> <p>2 It was a case that was investigated by</p> <p>3 the agency, unsuccessfully, brought to the</p> <p>4 Vidocq Society with no improvement in the</p> <p>5 investigation. The Vidocq society had</p> <p>6 no ideas that bore fruit. And the case</p> <p>7 remained cold. The member approached the</p> <p>8 Board and said, What is the Board's opinion</p> <p>9 if I were to be remunerated, since the Vidocq</p> <p>10 Society is no longer investigating this case?</p> <p>11 And the Board's decision was, It would</p> <p>12 be unethical. It would be in violation of</p> <p>13 our principles. You may not do it. And that</p> <p>14 member, it was actually two members, they</p> <p>15 resigned.</p> <p>16 BY MR. LAUERSDORF:</p> <p>17 Q. And were those members Richard Walter and</p> <p>18 Patrick Zirpoli?</p> <p>19 A. Yes, sir.</p> <p>20 Q. So then it indicates on there, again, We</p> <p>21 don't work directly with family or friends of the</p> <p>22 deceased, or with other interested parties. I think</p> <p>23 you already explained that's something that has changed</p> <p>24 over the years. At least for the very early years of</p> <p>25 the Society?</p>	<p style="text-align: right;">Page 141</p> <p>1 from the police agency, or the prosecutor's office, to</p> <p>2 come out to Philadelphia and present the case and share</p> <p>3 their case files with the Vidocq Society members,</p> <p>4 right?</p> <p>5 A. Um-hum.</p> <p>6 Q. That's -- and that was true in 2010 and</p> <p>7 that's true today, is that right?</p> <p>8 A. It -- it is true that they're invited to do</p> <p>9 that. Typically they don't bring the whole case file.</p> <p>10 They'll bring a synopsis. Occasionally they'll bring</p> <p>11 polygraph charts or photographs. More often than not</p> <p>12 we don't see the whole file.</p> <p>13 Q. Okay.</p> <p>14 A. At -- at the monthly meeting.</p> <p>15 Q. Okay.</p> <p>16 A. We're talking about a two to two and a half</p> <p>17 hour meeting.</p> <p>18 Q. Right. And that's at the Vidocq Society's</p> <p>19 expense?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And then after that presentation, it says,</p> <p>22 There are many members who offer to spend additional</p> <p>23 time with the police agency to review additional</p> <p>24 materials and offer additional guidance. Is that</p> <p>25 right?</p>

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<p style="text-align: right;">Page 142</p> <p>1 A. That is correct.</p> <p>2 Q. Okay. And sometimes provide onsite</p> <p>3 assistance, right? I think we're getting onto the next</p> <p>4 page there.</p> <p>5 A. Yeah. The post presentation assistance is</p> <p>6 coordinated by a committee within the Vidocq Society,</p> <p>7 called the Post Presentation Committee. And that is</p> <p>8 guided by the head of that committee, who coordinates</p> <p>9 all of the activities, so it's not just the members</p> <p>10 flying out willy-nilly.</p> <p>11 Q. Okay. But it -- when it's coordinated, it</p> <p>12 says there on the website, members can travel --</p> <p>13 A. Yeah.</p> <p>14 Q. -- at the Society's expense, to the</p> <p>15 jurisdiction to conduct a more detailed review of the</p> <p>16 evidence --</p> <p>17 A. Correct.</p> <p>18 Q. -- in the case and offer additional ideas.</p> <p>19 And then it also says, Onsite assistance may be</p> <p>20 provided, even where a case has not been presented, at</p> <p>21 one of the Society's monthly meetings. So that's</p> <p>22 something that occurs as well?</p> <p>23 A. Infrequently, yes.</p> <p>24 Q. But that's all at the Vidocq Society's</p> <p>25 expense, is that right?</p>	<p style="text-align: right;">Page 144</p> <p>1 by a case manager, with the approval of the</p> <p>2 Board, or the commissioner. But to my</p> <p>3 knowledge, the -- our financial records were</p> <p>4 examined and there is no record of the</p> <p>5 Society paying for that.</p> <p>6 BY MR. LAUERSDORF:</p> <p>7 Okay. But he certainly was there. He went.</p> <p>8 A. Clearly.</p> <p>9 Q. Okay. And there are no records of any</p> <p>10 discussions, any authorization for him to go, anything</p> <p>11 like that, that you've seen?</p> <p>12 A. Not that I'm aware of.</p> <p>13 Q. Okay. Have you seen the ABC 20/20 episode</p> <p>14 regarding Leah Freeman?</p> <p>15 A. I saw it years ago.</p> <p>16 Q. Okay.</p> <p>17 A. I have not seen it since.</p> <p>18 Q. And do you recall, in that, the references to</p> <p>19 the Vidocq Society and Mr. Walter talking about the</p> <p>20 Vidocq Society?</p> <p>21 A. To be honest, I don't.</p> <p>22 Q. Okay.</p> <p>23 A. I know there were references to the Vidocq</p> <p>24 Society, but I saw it when it aired. And I don't think</p> <p>25 I've seen it since.</p>
<p style="text-align: right;">Page 143</p> <p>1 A. It depends. To my knowledge, the Society</p> <p>2 pays to fly the investigators to Philadelphia and one</p> <p>3 nights lodging, you know, on a per diem. I don't know</p> <p>4 to what extent the Society pays for all of these other</p> <p>5 things. I think -- in a rare case, the Society can pay</p> <p>6 to fly people out. But as I explained before, our</p> <p>7 funds are so limited that we try to reserve them for</p> <p>8 the presentations that are coming to our monthly</p> <p>9 meetings.</p> <p>10 Q. Would there be records of that, when the</p> <p>11 Society pays for those expenses?</p> <p>12 A. There would be financial records.</p> <p>13 Q. Okay. Did the Society pay for Richard Walter</p> <p>14 to travel to Coquille, Oregon to appear on ABC's 20/20?</p> <p>15 A. We have no records of making that payment.</p> <p>16 Q. Are there any records of authorizing Mr.</p> <p>17 Walter to proceed in that fashion?</p> <p>18 A. Not that I'm aware of.</p> <p>19 Q. Okay. Is that something that the</p> <p>20 commissioner would have had to have delegated?</p> <p>21 MR. SCISCIANI: Object to form.</p> <p>22 MR. DEFREEST: Join the objection.</p> <p>23 THE WITNESS: No, I think -- I think</p> <p>24 that's speculative. It could have -- if it</p> <p>25 was authorized it could have been authorized</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Okay. And there -- that last paragraph there</p> <p>2 with regard to, "How does Vidocq Society assist?" It</p> <p>3 says, the Society can also offer forensic assistance,</p> <p>4 including, as examples, DNA testing, blood stain</p> <p>5 spatter analysis, reading of an autopsy report and its</p> <p>6 accompanying photographs, study of polygraph charts,</p> <p>7 and 911 call analysis. Is that right?</p> <p>8 A. Yes.</p> <p>9 Q. And there's some other things that fall in</p> <p>10 there, like statement analysis I saw is one that seems</p> <p>11 to come up a lot. Is that right?</p> <p>12 A. Pardon me?</p> <p>13 Q. Statement analysis is one that seems to come</p> <p>14 up a lot?</p> <p>15 MR. SCISCIANI: Object to form.</p> <p>16 THE WITNESS: It comes up occasionally.</p> <p>17 BY MR. LAUERSDORF:</p> <p>18 Q. At least in the -- I'm talking about my</p> <p>19 review of Exhibit-13. Did you happen to notice that?</p> <p>20 Or make note of that?</p> <p>21 A. I don't remember specifics. There were a lot</p> <p>22 of cases listed in that.</p> <p>23 Q. There were. And there were also, at times,</p> <p>24 where somebody from the Vidocq Society would take --</p> <p>25 would administer polygraph exams. Is that still</p>

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<p style="text-align: right;">Page 146</p> <p>1 something that gets done?</p> <p>2 A. That was very early when that was done.</p> <p>3 Q. Okay. But in any event, it says here, on the</p> <p>4 website, that the Society offers forensic assistance</p> <p>5 and these different things. I want to ask a little bit</p> <p>6 about -- well, let me back up. Back up a little bit.</p> <p>7 When -- so Vidocq works with police agencies all over</p> <p>8 the Country, is that right?</p> <p>9 A. Correct.</p> <p>10 Q. Has Vidocq ever worked with the same police</p> <p>11 agency more than once?</p> <p>12 A. Yes.</p> <p>13 Q. Which agencies?</p> <p>14 A. I don't know. I don't believe that was</p> <p>15 asked, so I didn't inquire.</p> <p>16 Q. Okay. Has the Vidocq Society ever worked</p> <p>17 with a police agency other than the Coquille Police</p> <p>18 Department?</p> <p>19 A. I don't know. It's possible.</p> <p>20 Q. Has the Vidocq Society ever worked with the</p> <p>21 Coquille Police Department other than the Freeman case?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. And police have to choose to work with the</p> <p>24 Vidocq Society as well, right?</p> <p>25 A. Absolutely.</p>	<p style="text-align: right;">Page 148</p> <p>1 MR. SCISCIANI: Object to form.</p> <p>2 MR. DEFREEST: Sorry, Counsel, where are</p> <p>3 you?</p> <p>4 MR. LAUERSDORF: Page 6 of 8. Top</p> <p>5 paragraph, just under the bullet point list.</p> <p>6 MR. DEFREEST: Thank you.</p> <p>7 BY MR. LAUERSDORF:</p> <p>8 Q. So when it says that the law enforcement</p> <p>9 agency has to agree to assist the Society's effort,</p> <p>10 what does that mean? What's the agreement?</p> <p>11 A. Very simple. If you're going to come present</p> <p>12 a case to the Society, you need to review your evidence</p> <p>13 before you come out. You need to prepare a summary.</p> <p>14 You need to put together a PowerPoint or something to</p> <p>15 present to the Society. That's what it means.</p> <p>16 Q. They have to agree to provide information?</p> <p>17 A. Well, they have to agree to do their homework</p> <p>18 to -- to make a presentation that is worthy of the time</p> <p>19 of this room full of people. We've had police agencies</p> <p>20 who came out and hadn't reviewed their cases and did</p> <p>21 really pathetic presentations that you couldn't even</p> <p>22 tell what they had done, what they hadn't done. They</p> <p>23 had evidence they hadn't tested.</p> <p>24 So when the members would say, "Have you</p> <p>25 thought about doing this?" "Well, I just got the file.</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. They can decide whether to use Vidocq Society</p> <p>2 to assist, or not use the Vidocq Society, is that</p> <p>3 right?</p> <p>4 A. Yes. And they can also decide to accept or</p> <p>5 completely disregard the suggestions that the members</p> <p>6 pose.</p> <p>7 Q. Okay. And then, if they do choose to work</p> <p>8 with the Vidocq Society, though, then the Vidocq</p> <p>9 Society and police work together to try to solve the</p> <p>10 case, is that right?</p> <p>11 A. No.</p> <p>12 MR. SCISCIANI: Object to form.</p> <p>13 THE WITNESS: No. That's not correct.</p> <p>14 BY MR. LAUERSDORF:</p> <p>15 Q. Okay. If you go to page 6 of 8. There's a</p> <p>16 section on 5 of 8 that starts, How can you request the</p> <p>17 assistance of the Vidocq Society?</p> <p>18 A. Um-hum.</p> <p>19 Q. And then 6 of 8 that ends after the bullet</p> <p>20 list, it says, The law enforcement agency with</p> <p>21 investigative jurisdiction must invite and welcome the</p> <p>22 involvement of the Vidocq Society, and agree to assist</p> <p>23 the Society's efforts. So that -- that sounds like</p> <p>24 you're talking about a reciprocal corporation.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 149</p> <p>1 I haven't really looked at it yet." And it basically</p> <p>2 wasted the money that it cost to bring them in and</p> <p>3 everybody's time. So the kind of corporation that</p> <p>4 that's talking about, it requires both parties. We</p> <p>5 show up, we spend money to book a room. We bring in</p> <p>6 the projector and the laptop and all the other stuff.</p> <p>7 You have to at least know your case. You</p> <p>8 have to at least prepare the case synopsis. You have</p> <p>9 to bring either photographs or something that you can</p> <p>10 show the members, when you're doing that. Because if</p> <p>11 you do -- if you don't do that, it's a waste of</p> <p>12 everybody's time. That's all that's talking about.</p> <p>13 Q. Can you go back to page 4 of 8, where you're</p> <p>14 talking about the forensic assistance that the Society</p> <p>15 provides.</p> <p>16 A. Um-hum.</p> <p>17 Q. The last sentence there it says, In all cases</p> <p>18 opinions provided by the members are their own and are</p> <p>19 not formally or legally binding on the Vidocq Society.</p> <p>20 When was that language added to the website?</p> <p>21 A. I don't know when it was added. But it was</p> <p>22 included in a number of other places as well.</p> <p>23 Q. And why is that language added to the</p> <p>24 website?</p> <p>25 A. Very simple. When you get a group of, even</p>

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<p style="text-align: right;">Page 150</p> <p>1 experienced forensic experts, there are going to be</p> <p>2 disagreements among those experts. So 3 different</p> <p>3 people can get up at one of these meetings and say, "I</p> <p>4 think maybe you should look in this direction." Or "I</p> <p>5 think maybe you should look in that direction." Or</p> <p>6 "Have you thought about looking at this?" People will</p> <p>7 disagree with each other.</p> <p>8 Q. Okay.</p> <p>9 A. So there's not a unified opinion or</p> <p>10 suggestion. That's why we put that in. Just as --</p> <p>11 just as the investigating agency is free to accept or</p> <p>12 reject the suggestions that come out of those meetings,</p> <p>13 "We think you should look at this evidence." "Why</p> <p>14 don't you -- have you looked or thought about looking</p> <p>15 at that?" Even among the members, there is going to be</p> <p>16 disagreement. So it's simply saying, if you talked to</p> <p>17 two different members, that's not necessarily the</p> <p>18 consensus from the organization.</p> <p>19 Q. Isn't it a disclaimer, really? A liability</p> <p>20 disclaimer.</p> <p>21 MR. SCISCIANI: Object to form.</p> <p>22 Argumentative.</p> <p>23 THE WITNESS: It's that and more.</p> <p>24 BY MR. LAUERSDORF:</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 152</p> <p>1 A. As individuals?</p> <p>2 Q. -- goes that far? Well, yeah. I guess --</p> <p>3 A. If they did that they would be doing that in</p> <p>4 their individual capacity, not as Vidocq Society</p> <p>5 members.</p> <p>6 Q. Okay.</p> <p>7 MR. SCISCIANI: Take just a quick break?</p> <p>8 MR. LAUERSDORF: Sure.</p> <p>9 * * *</p> <p>10 (Whereupon, a short break was taken at</p> <p>11 3:54 p.m.)</p> <p>12 * * *</p> <p>13 BY MR. LAUERSDORF:</p> <p>14 Q. So before the meeting law enforcement sends a</p> <p>15 summary, or a three or four page synopsis of the case.</p> <p>16 What other kinds of materials do police provide to</p> <p>17 Vidocq in advance of the presentation?</p> <p>18 A. When you say to Vidocq, are you talking bout</p> <p>19 to the case manager? Or to the body of membership at</p> <p>20 the presentation?</p> <p>21 Q. Either or. Anybody that --</p> <p>22 A. Well, it's going to vary.</p> <p>23 Q. Okay. So could it be police reports?</p> <p>24 A. It could be police reports. Generally --</p> <p>25 let's start with the presentation to the membership.</p>
<p style="text-align: right;">Page 151</p> <p>1 A. How you interpret it is up to you, but I'm</p> <p>2 telling you what gave rise to putting that in.</p> <p>3 Q. Okay. That's what I'm asking, is what the</p> <p>4 Society's intent was in putting the language in there.</p> <p>5 And what the Society thinks that that language means.</p> <p>6 A. Well, we -- there were a number of reasons</p> <p>7 for putting it in. But a very important reason for</p> <p>8 putting it in is that there are often broad</p> <p>9 disagreements among our members, on looking at the same</p> <p>10 evidence, about what it could or could not indicate.</p> <p>11 Q. Okay.</p> <p>12 A. It's not up to us. It's up to the</p> <p>13 investigating agency. So if they get a suggestion, or</p> <p>14 input, from several different people, and those are</p> <p>15 inconsistent, it -- it's important for the Society to</p> <p>16 make clear, even though we tell the investigating</p> <p>17 agencies you're free to accept or reject whatever we</p> <p>18 say. Similarly you may hear totally conflicting things</p> <p>19 from two different people.</p> <p>20 Q. Okay.</p> <p>21 A. It's up to you.</p> <p>22 Q. But this doesn't -- there's nothing in this</p> <p>23 that prohibits law enforcement from using those expert</p> <p>24 opinions as evidence, or calling Vidocq members as</p> <p>25 expert witnesses at trial if a case --</p>	<p style="text-align: right;">Page 153</p> <p>1 When they actually present their case.</p> <p>2 Q. Okay.</p> <p>3 A. Usually the only things that the membership</p> <p>4 has in hand are -- is that little synopsis. Now, their</p> <p>5 -- their PowerPoint usually includes maps, autopsy</p> <p>6 photos, rarely police reports. Almost never. It may</p> <p>7 include written statements, if any were taken. It</p> <p>8 usually has bullet points as -- as a PowerPoint would.</p> <p>9 Q. How about recorded statements?</p> <p>10 A. No. I do remember some 911 calls that they</p> <p>11 played the audio. But I don't remember any, like, post</p> <p>12 arrest statements or anything like -- of that nature.</p> <p>13 I'm not saying it never happened. I don't recall any.</p> <p>14 Q. Okay. Do they provide Vidocq with a theory</p> <p>15 of the crime? Their existing theory.</p> <p>16 A. Some presenters do. Some do not. Usually</p> <p>17 they -- they keep that close to the vest to see what</p> <p>18 the members are suggesting.</p> <p>19 Q. Okay. What about a theory of the suspect?</p> <p>20 Could they present --</p> <p>21 A. Usually they present us with a list of</p> <p>22 suspects.</p> <p>23 Q. Okay. And what about the criminal history of</p> <p>24 their suspects? Suspects or suspect. Did they provide</p> <p>25 that information?</p>

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<p style="text-align: right;">Page 154</p> <p>1 A. I don't -- I don't remember many cases where</p> <p>2 they did that. Very often the members would inquire</p> <p>3 about post offense criminal history. Like if they --</p> <p>4 if a police agency will tell us, well, these are the</p> <p>5 five people we think are our prime suspects, the</p> <p>6 members will very often ask questions, well, in the 22</p> <p>7 years since this happened, or the 40 years since this</p> <p>8 happened, what has this person done? Do they have no</p> <p>9 police involvement, or do they have a long criminal</p> <p>10 history?</p> <p>11 Q. And then that information will be provided?</p> <p>12 A. If they have it.</p> <p>13 Q. Okay. How about lab reports?</p> <p>14 A. Occasionally they will.</p> <p>15 Q. Photos from the crime scene?</p> <p>16 A. Yes.</p> <p>17 Q. Photos of evidentiary items?</p> <p>18 A. If -- yes. If they have them available.</p> <p>19 Q. And then do police share confidential</p> <p>20 information with Vidocq?</p> <p>21 A. What do you mean by that?</p> <p>22 Q. Information that the police do not want to</p> <p>23 share with the public.</p> <p>24 A. Yes. Occasionally we will have a police</p> <p>25 agency request that when they do their presentation</p>	<p style="text-align: right;">Page 156</p> <p>1 A. Sometimes. And usually we always have the --</p> <p>2 the presenters. We pay for two people to come in. And</p> <p>3 the purpose of that, when you were asking about</p> <p>4 recordkeeping before. The purpose of having two</p> <p>5 presenters is so that one does the presentation, the</p> <p>6 other makes notes of ideas that are coming in the form</p> <p>7 of questions from the members.</p> <p>8 Q. Okay.</p> <p>9 A. So that you don't -- that's one of the many</p> <p>10 reasons you're not going to have the Society</p> <p>11 maintaining records. It's kept within the</p> <p>12 investigating agency.</p> <p>13 Q. Were you present during the presentation of</p> <p>14 the Freeman case?</p> <p>15 A. I don't remember whether I was or not. It</p> <p>16 was a really long time ago.</p> <p>17 Q. Okay. Do they make suggestions about</p> <p>18 forensic testing to pursue?</p> <p>19 A. Yes. In the example that I gave you about</p> <p>20 the brick that might have epithelial cells from which</p> <p>21 they might extract DNA.</p> <p>22 Q. Do they offer theories of the crime, or</p> <p>23 theories of potential suspects?</p> <p>24 A. At times. Every case is different. And</p> <p>25 every police agency is different. And the thoroughness</p>
<p style="text-align: right;">Page 155</p> <p>1 that there are no members of the press present, or they</p> <p>2 don't want like non-law enforcement people in the room.</p> <p>3 We've done a few things where we had asked people to</p> <p>4 step out, where there are things that are kept very</p> <p>5 confidential. Yes.</p> <p>6 Q. Okay. Is there frequently press in the room?</p> <p>7 A. Occasionally.</p> <p>8 Q. Okay. So what kinds of confidential</p> <p>9 information will trigger asking people to step out?</p> <p>10 A. Usually it would be aspects of the crime</p> <p>11 scene that had not been made public, that only the</p> <p>12 perpetrator would know. That if they got out, then it,</p> <p>13 it affects the purity of the investigation.</p> <p>14 Q. So -- and then Vidocq members will provide</p> <p>15 input during the presentation, right? They'll ask</p> <p>16 questions. And do they provide ideas for</p> <p>17 investigation?</p> <p>18 A. Usually they're questions. They're put in</p> <p>19 the form of the questions. "Have you thought about</p> <p>20 looking at this?" "Do you still have this evidence?"</p> <p>21 That's the most common.</p> <p>22 Q. Okay.</p> <p>23 A. "Is this evidence still available?" "Have</p> <p>24 you thought to look here or there?"</p> <p>25 Q. Do they suggest witnesses to interview?</p>	<p style="text-align: right;">Page 157</p> <p>1 with which they have investigated up to that point is</p> <p>2 going to be different. We've had presentations where</p> <p>3 the police agency really did pretty much everything</p> <p>4 humanly possible, and they present to us and we go,</p> <p>5 "We've got nothing. You've done it all. You've</p> <p>6 checked everything." Other times there is so much not</p> <p>7 yet done, that there will be repeated not so much</p> <p>8 suggestions as ideas.</p> <p>9 Q. Okay.</p> <p>10 A. Have you looked at this? Have you thought</p> <p>11 about testing this? Have you gotten a credit report on</p> <p>12 this? Person looking for motive. Have you looked at</p> <p>13 this person's bank records, if you think it was a hit</p> <p>14 for money, to see if there was a large withdrawal of</p> <p>15 money around this time. Have you thought to check</p> <p>16 this?</p> <p>17 Q. Would they make suggestions about who is a</p> <p>18 viable suspect and who isn't?</p> <p>19 A. Generally not. I -- I've heard people say,</p> <p>20 Hey, you really ought to look at the husband to -- to</p> <p>21 check this or that. But usually it's the police agency</p> <p>22 who is presenting the long list of suspects, and we're</p> <p>23 just suggesting ways to narrow it.</p> <p>24 Q. And then prosecutors do, at times, attend</p> <p>25 these presentations, is that right?</p>

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<p style="text-align: right;">Page 162</p> <p>1 A. Would you repeat that question for me?</p> <p>2 Q. Yeah. Were there any expectations among the</p> <p>3 Vidocq Society members, Board members, officers, or</p> <p>4 whatever, that Mr. Walter would report to them on his</p> <p>5 activities in Coquille.</p> <p>6 MR. SCISCIANI: Same objection.</p> <p>7 MR. DEFREEST: Same objection.</p> <p>8 THE WITNESS: Should I answer?</p> <p>9 MR. SCISCIANI: If you can.</p> <p>10 THE WITNESS: To the best of my</p> <p>11 knowledge, Mr. Walter's traveling to Coquille</p> <p>12 was not done by the Vidocq Society.</p> <p>13 BY MR. LAUERSDORF:</p> <p>14 Q. Okay.</p> <p>15 A. We have no records to indicate that the trip</p> <p>16 was paid or done under the auspices of the Society.</p> <p>17 Q. Did -- after the 20/20 episode came out, did</p> <p>18 the Vidocq Society do anything to disclaim any of the</p> <p>19 information that was presented in the 20/20 special?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. Did they do anything to correct the record of</p> <p>22 any information that was presented in the 20/20</p> <p>23 special?</p> <p>24 MR. SCISCIANI: Object to form.</p> <p>25 MR. DEFREEST: Object to form.</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. So the Vidocq Society -- the members of the</p> <p>2 Vidocq Society get no benefit from what they do in the</p> <p>3 Society?</p> <p>4 A. Oh, we get very great benefit from it.</p> <p>5 Q. Okay. So.</p> <p>6 A. We get -- let me give you an example.</p> <p>7 Q. Coming back to it. Let me --</p> <p>8 MR. SCISCIANI: Let her finish the</p> <p>9 answer, please.</p> <p>10 THE WITNESS: Yeah, let me give you an</p> <p>11 example.</p> <p>12 BY MR. LAUERSDORF:</p> <p>13 Q. Okay.</p> <p>14 A. Are you familiar with the case of the Boy in</p> <p>15 the Box?</p> <p>16 Q. Yeah.</p> <p>17 A. The identification of the remains of a child</p> <p>18 who was found on February 25th, 1956, '57.</p> <p>19 Q. Yeah.</p> <p>20 A. I can't begin to describe to you the amount</p> <p>21 of -- satisfaction isn't even the right word. That kid</p> <p>22 was the same -- he was the same age and looked exactly</p> <p>23 like my little brother when -- when his remains were</p> <p>24 found. His photo was in every supermarket, in every</p> <p>25 gas bill, on telephone poles, on TV, throughout the</p>
<p style="text-align: right;">Page 163</p> <p>1 THE WITNESS: I can't answer that</p> <p>2 question, because I don't know whether and to</p> <p>3 what extent a record needed to be corrected.</p> <p>4 Having not seen it in the last 14 years, or</p> <p>5 however many years since the 20/20 thing</p> <p>6 aired.</p> <p>7 BY MR. LAUERSDORF:</p> <p>8 Q. If there were any inaccuracies or anything</p> <p>9 that needed to be corrected, are you aware of Vidocq</p> <p>10 taking any action to make those corrections?</p> <p>11 MR. SCISCIANI: Object to form.</p> <p>12 THE WITNESS: I can't answer that,</p> <p>13 because I don't know whether there were any</p> <p>14 inaccuracies. I don't know what he said.</p> <p>15 BY MR. LAUERSDORF:</p> <p>16 Q. If not for its relationship with police</p> <p>17 agencies, Vidocq would not be given access to the kind</p> <p>18 of confidential investigative materials that it's able</p> <p>19 to review from law enforcement, is that right?</p> <p>20 MR. SCISCIANI: Object to form.</p> <p>21 THE WITNESS: Your question suggests</p> <p>22 that it benefits the Vidocq Society to review</p> <p>23 these things. It doesn't. It goes the other</p> <p>24 way.</p> <p>25 BY MR. LAUERSDORF:</p>	<p style="text-align: right;">Page 165</p> <p>1 City.</p> <p>2 When I joined the Vidocq Society and I</p> <p>3 learned that they had an interest in pursuing this very</p> <p>4 nontraditional application of the Society's expertise,</p> <p>5 I was overjoyed. Because it's personal. There's no</p> <p>6 conviction. There's never going to be an arrest in</p> <p>7 that. But what we all got out of that a year ago, when</p> <p>8 he was finally identified through genealogical DNA as</p> <p>9 Joseph Augustus Zarelli, is something you can't imagine</p> <p>10 if you hadn't felt it. That's what we get out of it.</p> <p>11 What we get out of sharing the expertise that we have.</p> <p>12 It becomes personal.</p> <p>13 Q. And you wouldn't able to do that work without</p> <p>14 the cooperation of law enforcement, is that right?</p> <p>15 MR. SCISCIANI: Object to form.</p> <p>16 THE WITNESS: It's not even cooperation.</p> <p>17 Without law enforcement bringing these things</p> <p>18 to the Society, that's correct.</p> <p>19 BY MR. LAUERSDORF:</p> <p>20 Q. Right. Without the information they provide</p> <p>21 to you?</p> <p>22 A. Yep.</p> <p>23 Q. Right. The Zirpoli case is one that's</p> <p>24 interesting to me, because I know there was a book</p> <p>25 written about it.</p>

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<p style="text-align: right;">Page 170</p> <p>1 MR. SCISCIANI: Object to form.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MR. LAUERSDORF:</p> <p>4 Q. Okay.</p> <p>5 A. First of all, never say never. But as a</p> <p>6 general rule, we don't solve cases. We did not write</p> <p>7 The Murder Room. Michael Capuzzo is an author. He is</p> <p>8 not a member of the Vidocq Society. Had that book been</p> <p>9 penned by Bill Fleischer, you might be right. But he</p> <p>10 didn't. Can I add something to clarify?</p> <p>11 Q. Sure.</p> <p>12 A. In all the years that I've been in the Vidocq</p> <p>13 Society, I have attended events with Bill Fleischer,</p> <p>14 above all, but other members as well, and whether it's</p> <p>15 a member of the public or a member of the press, they</p> <p>16 all think that what we do is pretty cool. We do too.</p> <p>17 But the first question everyone asks is, how many cases</p> <p>18 have you solved?</p> <p>19 And the answer, regardless of who I was with,</p> <p>20 whether it was Bill Fleischer, or Ben Redmond, or any</p> <p>21 of the other officers and members of the Board of the</p> <p>22 Society, the answer is always the same. We don't solve</p> <p>23 cases. We provide guidance, based on experience, for</p> <p>24 police officers, for law enforcement agencies to solve</p> <p>25 their own cases. That's why we exist.</p>	<p style="text-align: right;">Page 172</p> <p>1 Gill. Many years ago I used to design forms for a</p> <p>2 living. So they asked me to design a form. This was</p> <p>3 before we had a post presentation group. They asked me</p> <p>4 to design a form that could be given to the presenters</p> <p>5 sometime after they presented the case to the Society.</p> <p>6 And the -- the focus of that form, and I</p> <p>7 don't know whether I still have it in my computer, but</p> <p>8 I might. The focus of that form was not "Was the case</p> <p>9 solved?" But rather, "Were the suggestions or the</p> <p>10 ideas that you gleaned from your interactions with the</p> <p>11 Society helpful to you in your work in your further</p> <p>12 investigation?" Because it was the first organized</p> <p>13 attempt to kind of go back and -- and see if we helped.</p> <p>14 Not, "Was there an arrest?" "Is somebody in jail?"</p> <p>15 That may have been asked as well.</p> <p>16 But the -- most of the questions focused on</p> <p>17 what could we have done to make it easier for you to</p> <p>18 present? What else could we do in the future to make</p> <p>19 it easier for people to present? And what -- out of</p> <p>20 your interactions with our members, what was most</p> <p>21 helpful to you? So that underscores what our focus is</p> <p>22 and always has been.</p> <p>23 Q. Is the Vidocq Society -- has the Vidocq</p> <p>24 Society ever been approached by law enforcement to</p> <p>25 conduct kind of a postmortem on a case? Like, there's</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. This -- there is an entry in Exhibit-13,</p> <p>2 entry number 147.</p> <p>3 A. Is it a -- can you give me a case number or a</p> <p>4 page number?</p> <p>5 Q. Page 35. It's labeled Vidocq000117 at the</p> <p>6 bottom.</p> <p>7 A. Okay.</p> <p>8 Q. That's The Murder of Lisa Ann Carbello. And</p> <p>9 the last sentence in that entry says, Unsolved as of</p> <p>10 October 26, 2023. Do you see where I'm at?</p> <p>11 A. Um-hum.</p> <p>12 Q. Do you know who added that entry?</p> <p>13 A. It likely would have been Bill Gill.</p> <p>14 Q. Okay. So what is Vidocq's expectation, as</p> <p>15 far as Mr. Gill, or somebody else, going back and</p> <p>16 updating the information in this synopsis?</p> <p>17 A. It may be a case that somebody was interested</p> <p>18 in and may have asked Bill, Hey, what do you think of</p> <p>19 this? Was it solved? Did you ever get anybody? He</p> <p>20 might have called the agency and they said "No".</p> <p>21 Q. Okay. But there is no practice of going back</p> <p>22 and clarifying, or correcting, things that have been</p> <p>23 misstated in the synopsis?</p> <p>24 A. Not in terms of the synopsis. But several</p> <p>25 years ago, and I think it was at the behest of Bill</p>	<p style="text-align: right;">Page 173</p> <p>1 a number of cases in Exhibit-13, and I'll -- I'll just</p> <p>2 represent to you, there is a number of cases in</p> <p>3 Exhibit-13 where the agency came in, said, We think</p> <p>4 this is our guy, but we just can't prove it.</p> <p>5 Vidocq folks made some suggestions. They go</p> <p>6 out, they make an arrest, they prosecute and the</p> <p>7 gentleman, or person, is either acquitted, or later it</p> <p>8 turns out that it wasn't the right guy. Do -- does law</p> <p>9 enforcement -- do those agencies ever come back to</p> <p>10 Vidocq and say, "Hey, we want to know how we got this</p> <p>11 wrong. Can you guys sit down with us and help us</p> <p>12 figure out where we went wrong in our investigation?"</p> <p>13 A. I'm not aware that that has happened.</p> <p>14 Q. Okay. Is that something that the Vidocq</p> <p>15 Society would be willing or interested in doing?</p> <p>16 A. We're always interested in things that would</p> <p>17 get us closer to the truth.</p> <p>18 Q. Okay. Let me go back to the forensic</p> <p>19 assistance in clearing the DNA testing. What is</p> <p>20 Vidocq's role in DNA testing in cases which Vidocq is</p> <p>21 consulting?</p> <p>22 A. Please clarify your question. Are you</p> <p>23 talking about a particular time frame?</p> <p>24 Q. Has it changed over time?</p> <p>25 A. DNA has changed over time.</p>

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<p style="text-align: right;">Page 178</p> <p>1 the lab reports back to the agency?</p> <p>2 A. As it would with any other police agency they</p> <p>3 deal with.</p> <p>4 Q. Does -- does the Vidocq Society make</p> <p>5 recommendations on how to submit the DNA for testing?</p> <p>6 Chain of custody issues, things like that?</p> <p>7 A. That's a matter uniquely within the purview</p> <p>8 of the police department.</p> <p>9 Q. Does -- do members of the Vidocq Society ever</p> <p>10 handle physical evidence?</p> <p>11 A. Not that I am aware of. We usually see</p> <p>12 photographs of the evidence. The only physical</p> <p>13 evidence, that I'm aware that might be handled, would</p> <p>14 be polygraph charts.</p> <p>15 Q. Okay. And they handle those for purposes of</p> <p>16 restoring them? Or reanalyzing them?</p> <p>17 A. No. They look at them and -- just to see.</p> <p>18 Because polygraph examiners can -- can differ on</p> <p>19 a result. There are various qualities of polygraph</p> <p>20 examiners. And a poor examiner may miss something.</p> <p>21 One of our members is the head of an international</p> <p>22 organization of polygraph people. That's all he does.</p> <p>23 He teaches polygraph all over the world.</p> <p>24 So he might look at a chart and say, um, I</p> <p>25 don't know that I would interpret this the way your</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. Why not?</p> <p>2 A. Because that's not what we do. If -- if</p> <p>3 Richard was offering professional assistance, he was</p> <p>4 doing so as an individual. As a professional. Just</p> <p>5 like any other member can render assistance as a</p> <p>6 professional. We don't have a hierarchy where</p> <p>7 professionals are supervised by others. Because we're</p> <p>8 not -- we're not investigating. That's how the police</p> <p>9 departments work.</p> <p>10 Q. But the Society was aware, at that time, of</p> <p>11 -- well, let me ask you this. Was -- did Richard</p> <p>12 Walter ever serve on the Board of the Vidocq Society?</p> <p>13 A. Not that I'm aware of.</p> <p>14 Q. Did he ever hold any officer position?</p> <p>15 A. No. Except that of Founder. And I -- let me</p> <p>16 correct that. I have no written documentation, and</p> <p>17 I've seen none, to indicate that he ever held a</p> <p>18 position on the Board. I only know that since I've</p> <p>19 been on the Board Richard has never been a member of</p> <p>20 the Board. I -- I can't be certain of what, if</p> <p>21 anything, happened prior to that.</p> <p>22 Q. Okay. Who was involved in establishing the</p> <p>23 requirements for membership at the Vidocq Society?</p> <p>24 A. That was done before I joined. I know there</p> <p>25 were requirements as of 1994 when I joined. The</p>
<p style="text-align: right;">Page 179</p> <p>1 polygrapher did. You may want to take it to somebody</p> <p>2 else to look at.</p> <p>3 Q. Do you know if anybody looked at any</p> <p>4 polygraph charts or polygraph data in the Freeman case?</p> <p>5 A. I'm not aware of any.</p> <p>6 Q. Okay. So when it's reported in the synopsis</p> <p>7 that Mr. McGuffin failed polygraphs, that's just</p> <p>8 something that whoever was writing that would have</p> <p>9 taken from law enforcement?</p> <p>10 MR. SCISCIANI: Object to form.</p> <p>11 THE WITNESS: That would have been</p> <p>12 reported to us by the police department.</p> <p>13 BY MR. LAUERSDORF:</p> <p>14 Q. Okay. Was anybody at the Vidocq Society</p> <p>15 supervising Richard Walter when he was consulting, or</p> <p>16 guiding, the Freeman investigation? Or providing</p> <p>17 guidance, I guess.</p> <p>18 MR. DEFREEST: Object to form.</p> <p>19 MR. SCISCIANI: Join.</p> <p>20 THE WITNESS: What do you mean by</p> <p>21 supervising?</p> <p>22 BY MR. LAUERSDORF:</p> <p>23 Q. Was anybody monitoring what he was doing?</p> <p>24 Anybody from the Vidocq Society?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 181</p> <p>1 requirements have changed over time. But I don't know,</p> <p>2 the initial requirements, who was -- who was involved</p> <p>3 in that. Initially, as I said earlier, it was largely</p> <p>4 a social organization. So, really, the only thing that</p> <p>5 would have been required is some experience or skill in</p> <p>6 a forensic discipline that could assist the Society in</p> <p>7 furthering its work.</p> <p>8 Q. Was Richard Walter involved in establishing</p> <p>9 the criteria for membership at any time?</p> <p>10 A. I have no information to indicate that he did</p> <p>11 or did not.</p> <p>12 Q. Was he involved in establishing the criteria</p> <p>13 for case selection at any time?</p> <p>14 A. I do not believe that he was.</p> <p>15 Q. Was he involved in establishing rules for how</p> <p>16 a meeting would be run?</p> <p>17 A. I have no information to indicate that he was</p> <p>18 or that he did or did not.</p> <p>19 Q. Was he involved in establishing rules for, or</p> <p>20 guiding, how Vidocq Society members would engage in</p> <p>21 their consulting work?</p> <p>22 A. I don't know what you mean by consulting</p> <p>23 work.</p> <p>24 Q. How they would engage with law enforcement.</p> <p>25 A. I don't believe so.</p>

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February 14, 2024

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C E R T I F I C A T I O N

I, Lisa M. Cooper, a Court Reporter and
Notary Public, do hereby certify the foregoing to
be a true and accurate transcript of my original
stenographic notes taken at the time and place
hereinbefore set forth.

Witness my hand and official seal this
14th day of February A.D. 2024.



Lisa M. Cooper
Court Reporter and Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction of
the same by any names, unless under the direct
control and/or supervision of the certifying
reporter.)

ERRATA

<i>Page</i>	<i>Line</i>	<i>Incorrect</i>	<i>Should read</i>
21	17	Lobovsky, L-O-B-O-V-S-K-Y	Lebofsky, L-E-B-O-F-S-K-Y
22	8	Lobovsky ¹	Lebofsky
27	3	Fleischer ¹	Fleisher
29	9	June 4th, 1990	June 14th, 1990
34	1	Event Bright	Eventbrite
44	7	rule	role
70	21	John	Jon
76	23	censored	censured
93	13	Go	Do
94	24	divide	divine
106	11	meetings	minutes
128	23	limitation	invitation
135	21	corporation	cooperation
137	9	Intelinet	Intellenet
146	17	with a police agency	with an Oregon police agency
147	24	corporation	cooperation
149	3	corporation	cooperation
165	3	pursing	pursuing
165	10	fell	felt



Signed 4 March 2024

¹These corrections should be made throughout the transcript. I have not noted subsequent instances.

Barbara J. Cohan
June 27, 2024

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an)	
individual and as guardian ad)	
litem, on behalf of S.M., a)	Civil No.
minor,)	6:20-cv-01163-MK
Plaintiffs,)	(Lead Case)
)	
v.)	VIDEOCONFERENCE
)	DEPOSITION
MARK DANNELS, PAT DOWNING,)	
SUSAN HORMANN, MARY KRINGS,)	
KRIS KARCHER, SHELLY MCINNES,)	
RAYMOND MCNEELY, KIP OSWALD,)	
MICHAEL REAVES, JOHN RIDDLE,)	
SEAN SANBORN, ERIC)	
SCHWENNINGER, RICHARD WALTER,)	
CHRIS WEBLEY, ANTHONY WETMORE,)	
KATHY WILCOX, CRAIG ZANNI,)	
DAVID ZAVALA, JOEL D. SHAPIRO)	
AS ADMINISTRATOR OF THE ESTATE)	
OF DAVID E. HALL, VIDOCQ)	
SOCIETY, CITY OF COQUILLE, CITY)	
OF COOS BAY, and COOS COUNTY,)	
Defendants.)	
)	
VIDOCQ SOCIETY,)	
Cross-Claimant,)	
)	
v.)	
)	
MARK DANNELS, PAT DOWNING,)	
SUSAN HORMANN, MARY KRINGS,)	
KRIS KARCHER, SHELLY MCINNES,)	
RAYMOND MCNEELY, KIP OSWALD,)	
MICHAEL REAVES, JOHN RIDDLE,)	
SEAN SANBORN, ERIC)	
SCHWENNINGER, RICHARD WALTER,)	
CHRIS WEBLEY, ANTHONY WETMORE,)	
KATHY WILCOX, CRAIG ZANNI,)	
DAVID ZAVALA, JOEL D. SHAPIRO)	
AS ADMINISTRATOR OF THE ESTATE)	
OF DAVID E. HALL, VIDOCQ)	
SOCIETY, CITY OF COQUILLE, CITY)	

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<p style="text-align: right;">Page 2</p> <p>1 OF COOS BAY, and COOS COUNTY,) Cross-Defendants.) 2) NICHOLAS JAMES MCGUFFIN, as an) Civil Case No. 3 individual and as guardian ad) 3:21-cv-01719-MK litem, on behalf of S.M., a) 4 minor,) Plaintiffs,) 5) v.) 6) OREGON STATE POLICE,) 7 Defendant.) _____) 8) 9) 10) DEPOSITION UPON ORAL EXAMINATION 11) OF BARBARA J. COHAN 12) 13 BE IT REMEMBERED THAT, pursuant to the Oregon Rules of 14 Civil Procedure, the deposition of BARBARA J. COHAN was taken 15 remotely via videoconference on behalf of the Plaintiffs, 16 before JEAN M. KOSTNER, a Certified Court Reporter for Oregon, 17 on Thursday, the 27th day of June, 2024, at the hour of 8:00 18 a.m., in the State of Oregon. 19) 20) 21) 22) 23) 24) 25)</p>	<p style="text-align: right;">Page 4</p> <p>1 Eric S. DeFreest, OSB #920475 LUVVAAS COBB 2 777 High Street, Suite 300 Eugene, Oregon 97401 3 (541) 484-9292 edefreest@luvaascobb.com 4 (Representing Richard Walter) 5) ALSO PRESENT: 6) Megan Carr, OSP 7 D. Jacobs, OSP 8) REPORTED BY: 9) Jean M. Kostner, CSR #90-0051 10 Subcontractor for: US LEGAL SUPPORT 11) 12) 13) 14) 15) 16) 17) 18) 19) 20) 21) 22) 23) 24) 25)</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES 2) ON BEHALF OF THE PLAINTIFFS: 3) Andrew C. Lauersdorf, OSB #980739 4 Janis C. Puracal, OSB #132288 Mia Stigler, OSB #240362 5 MALONEY LAUERSDORF REINER, PC 1111 East Burnside Street, Suite 300 6 Portland, Oregon 97214 (503) 245-1518 7 acl@mlrlegalteam.com jcp@mlrlegalteam.com 8 ms@mlrlegalteam.com 9) ON BEHALF OF THE DEFENDANTS: 10) Sarah R. Henderson, OSB #153474 11 LAW OFFICE OF ROBERT E. FRANZ, JR. Post Office Box 62 12 Springfield, Oregon 97477 (541) 741-8220 13 shenderson@franzlaw.comcastbiz.net (Representing City of Coquille, City of Coos Bay, 14 Coos County, Craig Zanni, Chris Webley, Eric Schwenninger, Sean Sanborn, Ray McNeely, Kris 15 Karcher, Pat Downing, Mark Dannels, Kip Oswald, Michael Reaves, David Zavala, Anthony Wetmore, 16 Shelly D. McInnes) Jesse B. Davis, OSB #052290 17 OREGON DEPARTMENT OF JUSTICE 100 Southwest Market Street 18 Portland, Oregon 97201 (971) 673-1880 jesse.b.davis@doj.oregon.gov 19 (Representing Oregon State Police, John Riddle, Susan Hormann, Mary Krings, Kathy Wilcox) 20) Anthony R. Scisciani, III, OSB #070013 21 Meredith A. Sawyer HWS LAW GROUP 101 Southwest Main Street, Suite 1605 22 Portland, Oregon 97204 (206) 262-1200 ascisciani@hwsllawgroup.com 23 msawyer@hwsllawgroup.com 24 (Representing Vidocq Society) 25)</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX OF TESTIMONY 2) 3 WITNESS PAGE 4 BARBARA J. COHAN 5 Examination by Mr. Lauersdorf 7 6 Examination by Mr. DeFreest 74 7) 8) 9) 10) 11) 12) 13) 14) 15 REQUESTS FOR INFORMATION 16) Information Requested by Mr. Lauersdorf: PAGE LINE 17) 18 Source document for changes made in 2019 15 4 19 Blast email and responses 18 24 20 In response to Requests 46 through 50 in Request for Production, all documents 21 mentioned or referred to in pages 17 through 20 20 2 22) 23) 24) 25)</p>

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June 27, 2024

INDEX OF EXHIBITS			Page 6		Page 8
1	DEPOSITION			1	for that position.
2				2	Q. Okay. And you were a member of the board of
3	EXHIBIT NO.	DESCRIPTION	IDENTIFIED	3	directors in 2009 and 2010. Is that correct?
4				4	A. Yes, sir.
5	EXH 6	Vidocq Society Code of Ethics and Conduct (3 pages)	55	5	Q. Okay. You're appearing for your deposition today
6				6	or continuing deposition today as the designee for the
7	EXH 7	Letter from William Fleisher to Margaret Olson, 06/06/13 (2 pages)	47	7	Defendant Vidocq Society. Is that correct?
8	EXH 9	Email from CPD Dannels to Fred Bornhofen	49	8	A. It is.
9	EXH 10	Email from Fred Bornhofen to CPD Dannels (2 pages)	51	9	Q. And you understand that as Vidocq Society's
10				10	designee, you are testifying on behalf of Vidocq Society.
11	EXH 11	Letter from Fred Bornhofen to CPD Dannels (2 pages)	52	11	Right?
12	EXH 12	Coquille Police Case Summary with Handwritten Notes (6 pages)	62	12	A. Yes.
13				13	Q. And you understand that the answers that you
14	EXH 13	Synopsis of Vidocq Society Cases (68 pages)	53	14	provide today will be binding on the Vidocq Society. Correct?
15	EXH 14	Constitution of the Vidocq Society (10 pages)	13	15	A. Yes.
16	EXH 15	Defendant Vidocq Response to Plaintiffs' Second Set of Requests for Production (12 pages)	16	16	Q. Do you consent to testify on behalf of the Vidocq
17				17	Society?
18	EXH 16	Draft Statement of the Vidocq Society, 12/09/22 (2 pages)	16	18	A. I do.
19				19	Q. And you understand that when I refer to you or ask
20	EXH 17	Minutes of Board Meetings (203 pages)	20	20	if you did something or if you have something or if you know
21	EXH 18	Vidocq Society Membership	32	21	something, the "you" that I'm referring to is the Vidocq
22	EXH 19	Vidocq Society Policies and Procedures (30 pages)	41	22	Society. Correct?
23				23	A. Correct.
24				24	MR. SCISCIANI: And, Counsel, I'll just interject
25				25	to confirm for the record the agreement that we reached coming

BARBARA J. COHAN,			Page 7		Page 9
1				1	into this deposition, and that is that the limitation for your
2				2	questioning on behalf of plaintiff has agreed to be limited to
3				3	two hours.
4				4	MR. LAUERSDORF: That's correct.
5				5	BY MR. LAUERSDORF:
6				6	Q. This is the time and place previously agreed upon.
7				7	It's Thursday, June 27th, 2024, and it's approximately
8				8	8:00 a.m. Pacific Daylight Time, 11:00 a.m. Eastern Daylight
9				9	Time. Do you agree with that?
10				10	A. Yes.
11				11	Q. And the deposition is being conducted and recorded
12				12	using the cloud-based peer-to-peer software platform Zoom over
13				13	a URL provided by U.S. Legal. Do you understand that?
14				14	A. Yes.
15				15	Q. Will you please state your current location for the
16				16	record.
17				17	A. I am at my office at Phoenix Lithographing
18				18	Corporation.
19				19	Q. Are there other people in the room with you?
20				20	A. No.
21				21	Q. I understand that you're represented by Attorney
22				22	Anthony Scisciani and that Mr. Scisciani is appearing remotely.
23				23	So he's not there in the room with you?
24				24	A. Correct.
25				25	Q. Okay. So you will recall that you're free to take

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<p style="text-align: right;">Page 10</p> <p>1 a break to confer with Mr. Scisciani at any time. We have to</p> <p>2 work things a little bit different because you can't just step</p> <p>3 out with him, so just give us a heads up and let me know if you</p> <p>4 need to take a break. Okay?</p> <p>5 A. I sure will.</p> <p>6 Q. The court reporter is recording your answers under</p> <p>7 an oath administered a few moments ago. Do you understand</p> <p>8 that?</p> <p>9 A. Yes.</p> <p>10 Q. And do you still understand what it means to be</p> <p>11 under oath?</p> <p>12 A. Pardon me?</p> <p>13 Q. And do you still understand what it means to be</p> <p>14 under oath?</p> <p>15 A. Yes.</p> <p>16 Q. And you're still expected to give the same careful</p> <p>17 and considered answers you would give in a court of law. Do</p> <p>18 you understand that?</p> <p>19 A. Of course.</p> <p>20 Q. Are you suffering from any type of illness today?</p> <p>21 A. I am not.</p> <p>22 Q. Are you aware of any reason why you might not be</p> <p>23 able to understand or answer the questions asked of you today?</p> <p>24 A. No.</p> <p>25 Q. Did you review the transcript of Vidocq Society's</p>	<p style="text-align: right;">Page 12</p> <p>1 A. I don't believe so.</p> <p>2 Q. Did you review any other documents to prepare for</p> <p>3 today's deposition?</p> <p>4 A. I went through the emails -- I'm sorry, the board</p> <p>5 of director minutes again with a fine-tooth comb with a better</p> <p>6 understanding of the issues to be covered in the deposition.</p> <p>7 And I also reviewed very briefly the documents that have</p> <p>8 recently been produced to you.</p> <p>9 Q. Okay. Were the board of directors meeting</p> <p>10 minutes -- were those some of the documents that you reviewed</p> <p>11 in preparation for the February 14th sitting of your</p> <p>12 deposition?</p> <p>13 A. Yes.</p> <p>14 COURT REPORTER: Mr. Lauersdorf, this is the court</p> <p>15 reporter. Could we go off the record just for a second?</p> <p>16 MR. LAUERSDORF: Sure.</p> <p>17 (Discussion off the record.)</p> <p>18 BY MR. LAUERSDORF:</p> <p>19 Q. Okay. So let's see. I want to take you through</p> <p>20 some portions of your deposition transcript. Do you -- well,</p> <p>21 I'll just show it to you.</p> <p>22 Okay. Can you see what I'm trying to share?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And I'll represent to you that this is the</p> <p>25 transcript of your deposition. I can take you back to the</p>
<p style="text-align: right;">Page 11</p> <p>1 testimony from the February 14th, 2024, deposition before or in</p> <p>2 preparation for today?</p> <p>3 A. I read it last night.</p> <p>4 Q. Did you identify any inaccuracies in the previous</p> <p>5 testimony?</p> <p>6 A. There was one.</p> <p>7 Q. Where was that?</p> <p>8 A. I believe in my testimony I was asked if Richard</p> <p>9 Walter had ever been a member of the board of directors of the</p> <p>10 Vidocq Society. At the time of the first part of my</p> <p>11 deposition, I had no recollection that he had ever done so.</p> <p>12 However, in a detailed review of the board of directors</p> <p>13 minutes, I did see that, I believe it was in 2012, Mr. Fleisher</p> <p>14 moved to make Mr. Walter an ex officio member of the board, and</p> <p>15 he thereafter did attend board of directors meetings. That was</p> <p>16 the only inaccuracy that I could find.</p> <p>17 Q. Okay. And what is Vidocq's understanding of the</p> <p>18 phrase "ex officio"?</p> <p>19 A. I have no idea why Mr. Fleisher called it that, but</p> <p>20 that's what he did.</p> <p>21 Q. Okay. Okay. Any other inaccuracies that you</p> <p>22 identified while reading the transcript?</p> <p>23 A. No, I did not.</p> <p>24 Q. Was there any other testimony that requires</p> <p>25 correction or clarification?</p>	<p style="text-align: right;">Page 13</p> <p>1 starting page and show that it's got your name on it and</p> <p>2 everything if you'd like, but for expedience sake I'll just</p> <p>3 represent to you that this is the transcript of your --</p> <p>4 A. Mm-hm.</p> <p>5 Q. -- previous testimony.</p> <p>6 A. That's fine.</p> <p>7 Q. On page 17 I was asking you about the things you</p> <p>8 had reviewed, and you said there at line 16 "I went through the</p> <p>9 Vidocq Society's Constitution and Bylaws in its present form as</p> <p>10 well as its prior iterations." Do you recall that?</p> <p>11 A. Yes.</p> <p>12 Q. And then one of the things we did was ask to have</p> <p>13 the present form and the prior iterations produced in</p> <p>14 discovery. Do you see what I'm showing you now?</p> <p>15 A. Yes.</p> <p>16 (Document marked for identification as Deposition</p> <p>17 Exhibit 14.)</p> <p>18 BY MR. LAUERSDORF:</p> <p>19 Q. Okay. I'm showing you what's been marked as</p> <p>20 Exhibit 14. I'll make it smaller so you can see the whole</p> <p>21 document. If you need me to make that larger, please let me</p> <p>22 know, and I'll go ahead and expand it.</p> <p>23 What do you recognize this document to be?</p> <p>24 A. I believe that this is the most recent version of</p> <p>25 the Society's constitution.</p>

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<p style="text-align: right;">Page 34</p> <p>1 representation, it is as accurate as the information from which</p> <p>2 I took the data that I put in this spreadsheet.</p> <p>3 Q. Right. And that was information that came from</p> <p>4 Vidocq Society. Right?</p> <p>5 A. No. This was information that came from two or</p> <p>6 three different members of the Vidocq Society, including Joe</p> <p>7 O'Kane, who was the previous membership chair.</p> <p>8 Q. Okay. And as the membership chair, he would have</p> <p>9 been maintaining this information on behalf of Vidocq Society.</p> <p>10 Right?</p> <p>11 A. Presumably, yes.</p> <p>12 Q. So you see here on the tab that says "Board,"</p> <p>13 that's where we're at right now. Do you recognize the</p> <p>14 members -- can you tell by the members who are listed here as</p> <p>15 members of the board what date and time this document refers to</p> <p>16 as far as board membership?</p> <p>17 MR. SCISCIANI: Object to form. Vague.</p> <p>18 Answer if you can.</p> <p>19 A. I really can't. Um -- let me look at it.</p> <p>20 I believe I testified previously this is a document</p> <p>21 that was not maintained when I relinquished my chairmanship of</p> <p>22 the -- of the board. However, let me just see. I -- I believe</p> <p>23 this would be current to no later than the year 2020.</p> <p>24 BY MR. LAUERSDORF:</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 36</p> <p>1 upper portion of page 31 of the PDF. It's Bates-labeled at the</p> <p>2 bottom VIDOCQ 001789. And I'm just referring you to the</p> <p>3 members of the board who are being reported present or absent.</p> <p>4 Do you see where I'm at?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So the present members are Fleisher --</p> <p>7 that's William Fleisher? Is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And Gordon is Nathan Gordon. Is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. And Olkowski is Stanley Olkowski, III. Is that</p> <p>12 correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Gill is William Gill. Is that right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Cohan is you. Is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Redmond is Benjamin Redmond. Is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Bornhofen is Fred Bornhofen. Is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Maxwell is John Maxwell. Is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. Warren is David Warren. Is that right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 35</p> <p>1 A. And that is because Column AH and AI would</p> <p>2 reflect -- it's redacted but it's the dues payment for the year</p> <p>3 2020.</p> <p>4 Q. Okay. And then do you see Column -- Row 5, Column</p> <p>5 F?</p> <p>6 A. Pardon me? I can't -- you're garbling again.</p> <p>7 Q. Do you see Row 5, Column F, the William Fleisher</p> <p>8 entry?</p> <p>9 A. Yes.</p> <p>10 Q. It says "Commissioner Emeritus (1/16/2020)"?</p> <p>11 A. Correct.</p> <p>12 Q. So would it be fair to conclude that it was up to</p> <p>13 date through at least 1/16/2020?</p> <p>14 A. Assuming that the docu- -- the source documents</p> <p>15 were current to that date, yes.</p> <p>16 Q. Okay. Let me take you back to Exhibit 17. If we</p> <p>17 go back to 2000- -- June 17th, 2010, here, the --</p> <p>18 A. Whoa, whoa. What document are you looking at now?</p> <p>19 Q. Exhibit 17, I'm showing you.</p> <p>20 A. I'll have to bring it up again. Hold on.</p> <p>21 Q. Can you not see it on the screen I'm showing you?</p> <p>22 A. It is really small because I have split screen now.</p> <p>23 Hang on.</p> <p>24 Okay. I've got it.</p> <p>25 Q. Okay. So what I'm showing you on the screen is the</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Gaughan is Edward Gaughan. Is that right?</p> <p>2 A. Yes. It's Gaughan.</p> <p>3 Q. Gaughan. Okay. And Lazinger is Zeff Lazinger. Is</p> <p>4 that right?</p> <p>5 A. Correct.</p> <p>6 Q. And then the members who are absent. Weinberg is</p> <p>7 Donald Weinberg. Is that right?</p> <p>8 A. Yes.</p> <p>9 Q. O'Kane is Joseph O'Kane. Correct?</p> <p>10 A. Yes.</p> <p>11 Q. Perlman is Adrienne Sekula-Perlman. Is that right?</p> <p>12 A. Yes.</p> <p>13 Q. And Freeman is Kenneth Freeman. Is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Were there any other board members from Vidocq</p> <p>16 Society as of June 17th, 2010?</p> <p>17 A. What was your question?</p> <p>18 Q. Were there any other board members, sitting board</p> <p>19 members, of Vidocq Society as of June 17th, 2010, other than</p> <p>20 those names we've mentioned?</p> <p>21 A. I don't have a present recollection. However, if</p> <p>22 you combine present and absent, presumably that is the total of</p> <p>23 the board members as of that date.</p> <p>24 Q. Okay. Who was the secretary as of that date?</p> <p>25 A. Um, I don't know.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. Okay.</p> <p>2 A. Not off the top of my head, I don't know.</p> <p>3 Q. Joseph O'Kane, he was a -- when he wasn't doing</p> <p>4 Vidocq work, he was a special agent with U.S. Customs Service.</p> <p>5 Is that right?</p> <p>6 A. I don't know if he was in 2010, but I do know that</p> <p>7 he had been a supervisor with the United States Customs</p> <p>8 Service.</p> <p>9 Q. Okay. And Edward Gaughan, he was with the</p> <p>10 Philadelphia PD. Is that right?</p> <p>11 A. He was.</p> <p>12 Q. And was he still with the PD at the time that he</p> <p>13 was on the board in 2010?</p> <p>14 A. I don't know.</p> <p>15 Q. Stanley Olkowski was a deputy inspector general.</p> <p>16 Do you know who that was -- who he was with?</p> <p>17 A. I believe for the City of Philadelphia, but I'm not</p> <p>18 certain.</p> <p>19 Q. Do you know if he still held that position in June</p> <p>20 of 2010?</p> <p>21 A. I don't know.</p> <p>22 Q. Benjamin Redmond was an inspector general for the</p> <p>23 City of Philadelphia and a regional director for the IRS. Is</p> <p>24 that right?</p> <p>25 A. Correct. I don't know if he held both of those in</p>	<p style="text-align: right;">Page 40</p> <p>1 Incorporation.</p> <p>2 Q. When did you leave the U.S. Attorney's Office?</p> <p>3 A. In 2005.</p> <p>4 Q. John Maxwell, he was a chief inspector with</p> <p>5 Philadelphia PD. Is that right?</p> <p>6 A. That's correct.</p> <p>7 Q. Do you know if he held that position in 2010?</p> <p>8 A. I don't know whether he did or not. I think he may</p> <p>9 have retired at that point, but I'm not sure.</p> <p>10 Q. David Warren, he was an FBI special agent in</p> <p>11 charge. Is that right?</p> <p>12 A. I thought Dave Warren had been with customs.</p> <p>13 Q. Oh, okay. Do you know if he was still with customs</p> <p>14 in 2010?</p> <p>15 A. I don't know whether he was or was not.</p> <p>16 Q. And then William Fleisher was a deputy special</p> <p>17 agent in charge with the Customs Service as well. Is that</p> <p>18 right?</p> <p>19 A. Yes, but I don't think he was at that point.</p> <p>20 Q. Do you know who was the secretary of the Vidocq</p> <p>21 Society at any point in 2009?</p> <p>22 A. I'm not certain.</p> <p>23 Q. Who was the secretary of the Vidocq Society at any</p> <p>24 point in 2010?</p> <p>25 A. I -- I couldn't tell you off the top of my head.</p>
<p style="text-align: right;">Page 39</p> <p>1 2010.</p> <p>2 Q. And do you know if he held either of those</p> <p>3 positions in 2010?</p> <p>4 A. I don't know.</p> <p>5 Q. Bill Gill or William Gill was a regional inspector</p> <p>6 general for the treasury department. Is that right?</p> <p>7 A. I believe he was. I don't think he still had that</p> <p>8 position at this time.</p> <p>9 Q. In 2010?</p> <p>10 A. I don't think he did.</p> <p>11 Q. Okay.</p> <p>12 A. But I'm not certain.</p> <p>13 Q. What about Fred Bornhofen? What did he do when he</p> <p>14 wasn't working with Vidocq?</p> <p>15 A. Um, I think that Fred Bornhofen had something to do</p> <p>16 with perhaps NCIS. Something with the Navy.</p> <p>17 Q. NCI- --</p> <p>18 A. But I'm not certain.</p> <p>19 Q. NCIS is what?</p> <p>20 A. Naval Criminal Investigative Service.</p> <p>21 Q. Okay. And then in 2010, were you still with the</p> <p>22 U.S. Attorney's Office?</p> <p>23 A. I was not.</p> <p>24 Q. Where were you working in 2010?</p> <p>25 A. In 2010 I was here at Phoenix Lithograph</p>	<p style="text-align: right;">Page 41</p> <p>1 I -- going through the minutes, in some cases it identifies who</p> <p>2 the secretary is, and from that you can figure out who the</p> <p>3 secretary was at that point in time. I could look at these</p> <p>4 minutes and know that it was not Stanley Olkowski because his</p> <p>5 minutes had a different format than these.</p> <p>6 Q. Okay. How about in 2011? Who was the secretary of</p> <p>7 the Vidocq Society at any point in 2011?</p> <p>8 A. You could tell the same way I could by looking at</p> <p>9 the minutes for that period.</p> <p>10 Q. Okay.</p> <p>11 A. But I couldn't tell you off the top of my head.</p> <p>12 (Document marked for identification as Deposition</p> <p>13 Exhibit 19.)</p> <p>14 BY MR. LAUERSDORF:</p> <p>15 Q. I'll show you what's been marked or what will be</p> <p>16 marked as Exhibit 19. Can you see that? Or can you see a</p> <p>17 document --</p> <p>18 A. I can bring it up. It's very small on my screen.</p> <p>19 Hang on.</p> <p>20 Okay. I have it.</p> <p>21 Q. Okay. Do you recognize that set of documents at</p> <p>22 all?</p> <p>23 A. Set of documents? Okay. Hang on. I have to</p> <p>24 scroll through it.</p> <p>25 Q. It's about 30 pages.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Answer if you can.</p> <p>2 A. We --</p> <p>3 MR. SCISCIANI: Also outside the scope of the</p> <p>4 30(b)(6) designated topics.</p> <p>5 Answer if you can.</p> <p>6 A. I would have to speculate. But the point is we</p> <p>7 have no contact with -- with the prosecution generally in any</p> <p>8 case. We have no way of knowing if the law enforcement agency</p> <p>9 had decided that it wasn't going to disclose something. That</p> <p>10 is something so far outside our purview that I couldn't even</p> <p>11 begin to speculate on that.</p> <p>12 (Document marked for identification as Deposition</p> <p>13 Exhibit 12.)</p> <p>14 BY MR. LAUERSDORF:</p> <p>15 Q. Okay. Well, let's look at Exhibit 12. Do you</p> <p>16 recognize this document?</p> <p>17 A. Hang on.</p> <p>18 Yes.</p> <p>19 Q. This is the case summary that Coquille Police</p> <p>20 Department provided to Vidocq Society prior to its time to</p> <p>21 present in January of 2010. Is that correct?</p> <p>22 A. This is a document that was provided to me in</p> <p>23 response to my email blast. One of our members had retained</p> <p>24 this document, and it appears to be the case summary that was</p> <p>25 given to our members at the time of the presentation of this</p>	<p style="text-align: right;">Page 64</p> <p>1 BY MR. LAUERSDORF:</p> <p>2 Q. I understand that. That's not the question. The</p> <p>3 question is if it came -- if a Vidocq Society member learned</p> <p>4 that something in the case summary was false, would they be</p> <p>5 allowed to report that? Or would the code of ethics require</p> <p>6 them not to disclose that information?</p> <p>7 MR. SCISCIANI: Same objection. It's vague;</p> <p>8 ambiguous; compound; incomplete, improper hypothetical; as well</p> <p>9 as asked and answered.</p> <p>10 Answer if you can.</p> <p>11 A. Again, I would be speculating. But I would hope</p> <p>12 and assume that if a member actually learned that this case</p> <p>13 summary, for example, contained false information, and if they</p> <p>14 felt that it was appropriate to take that, let's say, to the</p> <p>15 chief of police or to the district attorney, they would seek</p> <p>16 and obtain permission under the ethics guidelines from the</p> <p>17 commissioner or the chairman or someone else on the board to</p> <p>18 take that to the appropriate authorities. But that is sheer</p> <p>19 speculation.</p> <p>20 BY MR. LAUERSDORF:</p> <p>21 Q. All right. Let's move on. Vidocq does not have</p> <p>22 any written policies about how its members interact with its</p> <p>23 law enforcement clients. Is that correct?</p> <p>24 MR. SCISCIANI: Objection. Vague, ambiguous.</p> <p>25 Answer if you can.</p>
<p style="text-align: right;">Page 63</p> <p>1 case.</p> <p>2 Q. Right. So if your members had a copy of this</p> <p>3 presentation and learned that there was information in here</p> <p>4 that was false, would they report that information to the</p> <p>5 prosecutor or to the Coquille Police Department involved?</p> <p>6 MR. SCISCIANI: Same objection. It's vague,</p> <p>7 ambiguous, incomplete and improper hypothetical.</p> <p>8 Answer if you can.</p> <p>9 A. I would have to speculate. We -- if we knew that</p> <p>10 there -- is your question if we knew that there was something</p> <p>11 in this summary that was false? Is that the question?</p> <p>12 BY MR. LAUERSDORF:</p> <p>13 Q. That's correct.</p> <p>14 MR. SCISCIANI: Same objections.</p> <p>15 A. I -- I would be speculating. I think that in the</p> <p>16 first part of my deposition we may have even discussed this.</p> <p>17 If a police department puts something in the case summary that</p> <p>18 they bring to the Vidocq Society and they have included false</p> <p>19 information in that summary, first, the Society would have no</p> <p>20 way of knowing whether that was or was not false. Second, the</p> <p>21 effect of the inclusion of either omitted information or false</p> <p>22 information in the summary would make any conclusion or any</p> <p>23 suggestion or any guidance that the Society provided to that</p> <p>24 law enforcement agency less usable, less reliable, less</p> <p>25 helpful.</p>	<p style="text-align: right;">Page 65</p> <p>1 A. I'm not sure what you even mean by that, how they</p> <p>2 interact with law enforcement.</p> <p>3 BY MR. LAUERSDORF:</p> <p>4 Q. Does Vidocq have any written policies other than</p> <p>5 what we've discussed today or has already been produced to the</p> <p>6 plaintiffs?</p> <p>7 A. My answer would be no.</p> <p>8 Q. Okay.</p> <p>9 A. Not written policies.</p> <p>10 Q. Does Vidocq believe that it has -- what is your</p> <p>11 understanding of the Brady case or Brady obligation?</p> <p>12 A. Could you clarify your question?</p> <p>13 Q. Yeah. What's your understanding of the Brady</p> <p>14 obligation to produce exculpatory information to a criminal</p> <p>15 defendant?</p> <p>16 MR. SCISCIANI: Objection. Outside the scope of</p> <p>17 30(b)(6) designated topics.</p> <p>18 Answer if you can.</p> <p>19 MR. LAUERSDORF: It's Topic 4(g), 4(h), and 4(o)</p> <p>20 for the record.</p> <p>21 MR. SCISCIANI: 4(g)?</p> <p>22 MR. LAUERSDORF: 4(g), 4(h), and 4(o).</p> <p>23 MR. SCISCIANI: 4(g) is documentation and reporting</p> <p>24 of conclusions. H is documentation of communications between</p> <p>25 members. O is confidentiality and external information</p>

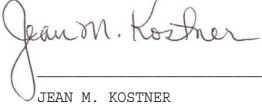
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<p style="text-align: right;">Page 66</p> <p>1 sharing. Is that --</p> <p>2 MR. LAUERSDORF: Confidentiality and external</p> <p>3 information sharing within Brady.</p> <p>4 MR. SCISCIANI: So you're asking for the Vidocq</p> <p>5 Society's definition and understanding of what Brady is under</p> <p>6 those topics? My objection stands. It's outside the scope of</p> <p>7 the topics.</p> <p>8 The witness can answer if she can. My objection is</p> <p>9 noted.</p> <p>10 A. With respect to the Vidocq Society, I cannot answer</p> <p>11 that.</p> <p>12 BY MR. LAUERSDORF:</p> <p>13 Q. In your experience as an assistant U.S. attorney,</p> <p>14 do you understand what a Brady obligation is?</p> <p>15 A. I certainly do.</p> <p>16 Q. And it's Vidocq's position that it does not have</p> <p>17 any type of Brady obligation when it works with its law</p> <p>18 enforcement clients. Is that correct?</p> <p>19 MR. SCISCIANI: Same objection. Outside the scope</p> <p>20 of 30(b)(6) notice topics.</p> <p>21 Answer if you can.</p> <p>22 A. The -- the Vidocq Society members who work with law</p> <p>23 enforcement are not attorneys. But because the Society does</p> <p>24 not own any of the information that it comes across, any Brady</p> <p>25 obligation would remain with the investigating agency and the</p>	<p style="text-align: right;">Page 68</p> <p>1 could not engage in similar conduct in the future?</p> <p>2 MR. SCISCIANI: Object to form. Vague and</p> <p>3 ambiguous, foundation, assumes facts not in evidence.</p> <p>4 Answer if you can.</p> <p>5 MR. DEFREEST: I join in the objections.</p> <p>6 A. I can't answer that.</p> <p>7 BY MR. LAUERSDORF:</p> <p>8 Q. Did Vidocq Society put any safeguards in place to</p> <p>9 make it less likely that Mr. Walter or other Vidocq Society</p> <p>10 members would be accused of misconduct in the future?</p> <p>11 MR. SCISCIANI: Same objections.</p> <p>12 MR. DEFREEST: Same objections.</p> <p>13 A. Counsel, the misconduct of which you speak is</p> <p>14 misconduct in the individual's personal capacity, not as a</p> <p>15 Vidocq Society member. Um, should the Society learn of</p> <p>16 misconduct and should those allegations be borne out, then the</p> <p>17 Society, in compliance with its Constitution and bylaws, could</p> <p>18 consider and reprimand or expel that member.</p> <p>19 BY MR. LAUERSDORF:</p> <p>20 Q. So the question was did the Vidocq Society put any</p> <p>21 safeguards in place to make it less likely that Richard Walter</p> <p>22 or other Vidocq Society members would be accused of similar</p> <p>23 misconduct in the future?</p> <p>24 MR. SCISCIANI: Same objections, as well as asked</p> <p>25 and answered.</p>
<p style="text-align: right;">Page 67</p> <p>1 prosecuting agency. We're a reference book. That's all we</p> <p>2 are.</p> <p>3 BY MR. LAUERSDORF:</p> <p>4 Q. Vidocq does not provide any training to its members</p> <p>5 on Brady obligations. Is that correct?</p> <p>6 A. None that I'm aware of.</p> <p>7 Q. When Vidocq Society learned of the Drake</p> <p>8 allegations in June of 2003, what was done? What did it do to</p> <p>9 investigate those allegations?</p> <p>10 A. You asked me that earlier, and I told you I did not</p> <p>11 know.</p> <p>12 Q. Does Vidocq have any documents from any</p> <p>13 investigation into the Drake allegation?</p> <p>14 A. None except that thing you showed me, the letter</p> <p>15 from Mr. Fleisher.</p> <p>16 Q. Did Vidocq Society reprimand or counsel Richard</p> <p>17 Walter when Vidocq Society learned of the Drake allegations?</p> <p>18 A. I only know what is in Mr. Fleisher's letter.</p> <p>19 Q. Did Vidocq Society put any safeguards in place to</p> <p>20 make sure that Walter or other Vidocq Society members could not</p> <p>21 engage in similar conduct in the future?</p> <p>22 A. Could you repeat your question clearly? It's very</p> <p>23 hard to understand you.</p> <p>24 Q. Did the Vidocq Society put any safeguards in place</p> <p>25 to make sure that Mr. Walter or other Vidocq Society members</p>	<p style="text-align: right;">Page 69</p> <p>1 MR. DEFREEST: Join in the objections.</p> <p>2 A. In their personal capacity?</p> <p>3 BY MR. LAUERSDORF:</p> <p>4 Q. In the Vidocq Society's capacity.</p> <p>5 MR. SCISCIANI: Same objections.</p> <p>6 MR. DEFREEST: Join in objections.</p> <p>7 A. I couldn't even answer that. It's speculative.</p> <p>8 BY MR. LAUERSDORF:</p> <p>9 Q. Did the Vidocq Society provide any specific</p> <p>10 training to Mr. Walter or other Vidocq members as a result of</p> <p>11 the decisions in the Drake case?</p> <p>12 A. I know only what was contained in Mr. Fleisher's</p> <p>13 letter.</p> <p>14 Q. Did the Vidocq Society make any effort to disclose</p> <p>15 Drake's allegations to its law enforcement partners?</p> <p>16 A. I don't know the answer to that.</p> <p>17 Q. Did Vidocq Society make any effort to disclose</p> <p>18 Drake's allegations to members of law enforcement who sought</p> <p>19 out Vidocq Society's assistance?</p> <p>20 A. I am not aware of any.</p> <p>21 Q. Did Vidocq Society make any effort to disclose</p> <p>22 Drake's allegations to members of law enforcement who were</p> <p>23 introduced to Richard Walter through the Vidocq Society?</p> <p>24 A. I don't believe so.</p> <p>25 Q. Did Vidocq Society disclose Drake's allegations to</p>

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<p>1 clarification.</p> <p>2 EXAMINATION</p> <p>3 BY MR. DEFREEST:</p> <p>4 Q. Ms. Cohan, my name is Eric DeFreest. I represent</p> <p>5 Richard Walter in this matter.</p> <p>6 A. Okay.</p> <p>7 Q. So with the institutional knowledge of Vidocq</p> <p>8 Society, does it have any documentation of how Mr. Walter was</p> <p>9 invited to travel out to Oregon in 2010?</p> <p>10 A. No, sir, we do not.</p> <p>11 Q. At the time of 2009 and 2010, Mr. Fred Bornhofen</p> <p>12 was the case manager for Vidocq Society. Correct?</p> <p>13 A. I believe he was, yes.</p> <p>14 Q. Is there any documentation that Vidocq Society is</p> <p>15 aware of of how Mr. Bornhofen addressed case management of the</p> <p>16 Leah Freeman matter?</p> <p>17 A. Other than the documents that have already been</p> <p>18 shown to me, no.</p> <p>19 Q. Is there any documentation or record that you are</p> <p>20 aware of of Vidocq Society's interaction with ABC News or its</p> <p>21 affiliates with regard to the Leah Freeman matter?</p> <p>22 A. No, sir. Only the reference that was in the board</p> <p>23 of director minutes indicating that 20/20 was going to be doing</p> <p>24 a program and that they would be attending the meeting.</p> <p>25 That's -- that's pretty much all there is.</p>	<p>Page 74</p>	<p>1 STATE OF OREGON)</p> <p>2) ss. C E R T I F I C A T E</p> <p>3 County of Douglas)</p> <p>4 I, JEAN M. KOSTNER, Certified Shorthand Reporter for the</p> <p>5 state of Oregon, do hereby certify that:</p> <p>6 Pursuant to Notice, BARBARA J. COHAN appeared remotely</p> <p>7 before me via Zoom videoconference at the time and place set</p> <p>8 forth in the caption hereof;</p> <p>9 That, at said time and place, I reported in stenotype</p> <p>10 all testimony adduced and oral proceedings had in the foregoing</p> <p>11 matter, to the best of my ability;</p> <p>12 That, thereafter, my notes were reduced to typewriting,</p> <p>13 and that the foregoing transcript, pages 1 through 75, both</p> <p>14 inclusive, constitutes a full, true, and correct transcript of</p> <p>15 all such testimony adduced and oral proceedings had and of the</p> <p>16 whole thereof.</p> <p>17 IN WITNESS WHEREOF, I have hereunto set my hand and CSR</p> <p>18 stamp this 8th day of July, 2024, in the City of Roseburg,</p> <p>19 County of Douglas, State of Oregon.</p> <p>20 </p> <p>21</p> <p>22 JEAN M. KOSTNER</p> <p>23 Certified Court Reporter</p> <p>24 CSR No. 90-0051</p> <p>25</p>	<p>Page 76</p>
<p>1 MR. DEFREEST: Thank you very much. I appreciate</p> <p>2 your time.</p> <p>3 THE WITNESS: My pleasure.</p> <p>4 MR. SCISCIANI: Anyone else?</p> <p>5 MR. DAVIS: This is Jesse Davis. I don't have any</p> <p>6 questions. Thank you.</p> <p>7 MS. HENDERSON: No questions from me. This is</p> <p>8 Sarah.</p> <p>9 MR. SCISCIANI: Okay. Sounds like we're done.</p> <p>10 COURT REPORTER: Are you ordering this,</p> <p>11 Mr. Lauersdorf?</p> <p>12 MR. LAUERSDORF: Yes, I will order the PDF.</p> <p>13 MR. SCISCIANI: I would like a PTX.</p> <p>14 MR. DAVIS: Just the PDF for me, please.</p> <p>15 MR. DEFREEST: I would like a PDF.</p> <p>16 MS. HENDERSON: I will order a PDF and a text file</p> <p>17 as well. Thank you, Jean.</p> <p>18</p> <p>19 (WHEREUPON, the deposition ended at the hour</p> <p>20 of 10:12 a.m.)</p> <p>21</p> <p>22 -o0o-</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 75</p>		